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Rules and Regulations

Federal Register

Vol. 68, No. 47

Tuesday, March 11, 2003

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 959

[Docket No. FV03–959–2 IFR]

Onions Grown in South Texas; Revision of Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This rule eliminates all container requirements from the handling regulations prescribed under the South Texas onion marketing order (order) and makes several conforming and formatting changes. The order regulates the handling of onions grown in South Texas and is administered locally by the South Texas Onion Committee (Committee). This rule provides the industry expanded flexibility to use any and all types and sizes of containers, or to ship onions in bulk shipments. This change will help handlers compete more effectively in the marketplace, better meet buyers' needs, and improve producer returns.

EFFECTIVE DATE: March 12, 2003; comments received by May 12, 2003, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938, or E-mail: *moab.docketclerk@usda.gov.* All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.ams.usda.gov/fv/moab.html.*

FOR FURTHER INFORMATION CONTACT: Belinda G. Garza, Regional Manager, McAllen Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1313 E. Hackberry, McAllen, TX 78501; telephone: (956) 682–2833, Fax: (956) 682–5942; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; telephone: (202) 720–2491, Fax: (202) 720–8938.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; telephone: (202) 720–2491, Fax: (202) 720–8938, or E-mail: *Jay.Guerber@usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR part 959), regulating the handling of onions grown in South Texas, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule eliminates all container requirements on onion shipments from the handling regulations prescribed under the South Texas onion order and makes several conforming and formatting changes. Removing all container requirements will provide the industry expanded flexibility to use any and all types of containers preferred by consumers, buyers, and all retailers, or to ship onions in bulk shipments, which will help handlers compete more effectively in the marketplace, better meet buyers' needs, and improve producer returns. All shipments will continue to be required to meet grade, size, and inspection requirements. In addition, this rule will also: (1) Remove outdated language from § 959.104; (2) remove all references to containers and applicable language from the order's rules and regulations; (3) remove an incorrectly referenced paragraph in current § 959.322(d) *Inspection* and replace it with the correct reference; and (4) correct the name of the Texas-Federal Inspection Service office. The Committee unanimously recommended these changes at its October 8, 2002, meeting and clarified the recommendation via a mail vote on October 31, 2002. After the October 8 meeting, the Chairman appointed a subcommittee to review the Committee's recommendations. The subcommittee met on November 5, 2002, and further discussed the reasons why the changes should be made.

Section 959.52(b)(4) of the onion order provides authority to regulate size, capacity, weight, dimensions, or pack of the container or containers which may be used in the packaging, transportation, sale, preparation for market, shipment, or other handling of onions. Sections 959.52(c) allows for the modification, suspension, or termination of such regulations when warranted.

Section 959.322(c) of the order's rules and regulations outlines container requirements for onions. Currently, § 959.322(c)(1) through (7) of the regulations authorizes ten containers (25-pound, 50-pound, 2-pound, 3-pound, 5-pound, and 10-pound bags; 20-pound, 25-pound, 40-pound, and 50-pound cartons) for use by onion handlers. Section 959.322(f)(2) exempts gift packages of onions not exceeding 25 pounds per package from the container requirements of § 959.322(c) if the onions have not previously been handled. Also, § 959.322(f)(4) authorizes the Committee to approve other types of containers for experimental or testing purposes.

In recent years, there has been a proliferation in package requirements from buyers intent on providing either unique packaging for their stores or special carton sizes for their racking or handling equipment. American retailers desiring to emulate European marketing concepts in display developments (and supporting handling systems) in the U.S. and Canadian marketplace have significantly influenced this process. The evolution of the club and discount stores, design alterations tailored to protecting the commodity from damage during shipment and/or store presentation, and the development of new packaging materials, for example, returnable plastic containers (RPCs) have also greatly influenced the marketplace. The supply side, for reasons of efficiency, has resisted this growth when possible. However, buyer influence is such that no shipper can or will deny buyers new cartons, knowing that other shippers will readily adopt them. The shippers are all impacted by the surge in packaging demands. Many retailers have asked handlers to pack onions in specific RPCs, master containers, and containers other than the currently approved permanent containers. Container dimensions can vary slightly depending on the manufacturers. During previous seasons, handlers applied for and obtained Committee approval to use other containers on an experimental basis. Safeguarding the use of such experimental containers is an additional burden for the Committee.

Because this trend seems certain to continue in the future, the Committee concluded that the best and most economical resolution of the issue concerning the number of containers would be to simply eliminate the container requirements, thereby permitting shippers to respond to buyer requests as they see fit.

The trend toward even more unique and specialized packaging generally is governed by the desire of the retail community to receive produce in ‘‘display-ready’’ packaging consistent with the retailer’s image and marketing plan for each type and size of store. At the same time, the packaging must meet the buyer’s expectations for structural integrity and consistency with that buyer’s handling practices. Although the increased flexibility does complicate the marketplace, and may result in inefficiencies, it is what retailers think consumers want, and therefore, is prerequisite to selling onions. Maximum efficiency would result from the adoption of a single uniform footprint, but an effort over the past two years to win acceptance of such a footprint has been virtually abandoned because it is contrary to trends in buyer requirements. Furthermore, foodservice buyers also have specialized container requirements often different from retailer requirements. In the end, however, the confusion is held to a minimum by the simple fact that onions normally are sold by weight and grade, which is consistent regardless of packaging.

Eliminating all container requirements in the handling regulations will enable the industry to ship onions in any and all containers preferred by consumers, buyers, and all retailers, which would benefit producers, handlers, buyers, and consumers to Texas onions enabling the industry to compete more effectively in the marketplace. This action will help the industry in providing consumers with high quality onions, promoting buyer satisfaction, and improving producer returns. This action will not impact the onion import requirements.

Removing container requirements requires that all references to containers and applicable language also be removed from the order’s rules and regulations, including references to onions for peeling, chopping, and slicing. Reference to these types of fresh processing methods will only be made in the introductory text of § 959.322 in order to avoid confusion with other types of processing, which re exempt from grade, size, and inspection requirements. In addition, several conforming and formatting changes are being made to clarify or remove some outdated language. Specifically, in § 959.104 *Fiscal period* the first sentence and first part of the second sentence needs to be removed. In § 959.322(d)(1), the reference to (f)(3)(ii) needs to be removed because no such section exists, and should be replaced with the correct reference to shipments for experimental purposes. The incorrect section was inadvertently placed in the regulation. Also, in paragraph (d)(1) the name of the inspection office should be corrected to reflect the correct name of the local inspection office and should include the Inspection Service’s name referred to in the order. In addition, paragraphs (f)(2), (f)(3), and (f)(5) will be removed because they will no longer be applicable when container requirements are eliminated.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 90 producers of onions in the production area and approximately 35 handlers subject to regulation under the marketing order. Small agricultural producers are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts lass than $750,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000.

Most of the handlers are vertically integrated corporations involved in producing, shipping, and marketing onions. For the 2001–02 marketing year, the industry’s 35 handlers shipped onions produced on 16,148 acres with the average and median volume handled being 152, 446 and 136,810 fifty-pound bag equivalents, respectively. In terms of production value, total revenues for the 35 handlers were estimated to be $39.9 million, with average and median revenues being $1.1 million and $1.0 million, respectively.

The South Texas onion industry is characterized by producers and handlers whose farming operations generally involve more than one commodity, and whose income from farming operations is not exclusively dependent on the production of onions. Alternative crops provide an opportunity to utilize many of the same facilities and equipment not in use when the onion production season is complete. For this reason, typical onion producers and handlers either produce multiple crops or alternate crops within a single year.

Based on the SBA’s definition of small entities, the Committee estimates that all of the 35 handlers regulated by the order would be considered small entities if only their spring onion revenues are considered. However, revenues from other productive enterprises would likely push a large number of these handlers above the $5,000,000 annual receipt threshold. All of the 90 producers may be classified as small entities based on the SBA definition if only their revenue from spring onions is considered. When revenues from all sources are considered, a majority of the producers would not be considered small entities because receipts would exceed $750,000.

This rule invites comments on revisions to the rules and regulations prescribed under the South Texas onion order. This rule eliminates container requirements on onion shipments in § 959.322 of the order's handling regulations, and makes several conforming and formatting changes. Removing all container requirements will provide the industry expanded flexibility to use any and all types of containers preferred by consumers, buyers, and all retailers, or to ship onions in bulk, which will help handlers compete more effectively in the marketplace, better meet buyers' needs, and improve producer returns. All shipments will continue to be required to meet grade, size, and inspection requirements. This rule change will allow South Texas onion handlers to supply existing markets and will allow the industry to be more competitive in the marketplace. Allowing shipments of onions in all types of containers or in bulk is expected to increase shipments of Texas onions because there will no longer be any container restrictions.

In addition, this rule will also: (1) Remove outdated language from § 959.104; (2) remove all references to containers and applicable language from the order's rules and regulations; (3) remove an incorrectly referenced paragraph in current § 959.322(d) *Inspection* and replace it with the correct reference; and (4) correct the name of the Texas-Federal Inspection Service office. The Committee unanimously recommended these changes at its October 8, 2002, meeting and clarified the recommendation via a mail vote on October 31, 2002. After the October 8 meeting, the Chairman appointed a subcommittee to review the Committee's recommendations. The subcommittee met on November 5, 2002, and further discussed the reasons why the changes should be made.

Section 959.52(b)(4) of the onion order provides authority to regulate size, capacity, weight, dimensions, or pack of the container or containers which may be used in the packaging, transportation, sale, preparation for market, shipment, or other handling of onions. Section 959.52(c) allows for the modification, suspension, or termination of such regulations when warranted.

Section 959.322(c) of the order's rules and regulations outlines container requirements for onions. Currently, § 959.322(c)(1) through (7) of the regulations authorizes ten containers (25-pound, 50-pound, 2-pound, 3-pound, 5-pound, and 10-pound bags; 20-pound, 25-pound, 40-pound, and 50-pound cartons) for use by onion handlers.

Section 959.322(f)(2) exempts gift packages of onions not exceeding 25 pounds per package from the container requirements of § 959.322(c) if the onions have not previously been handled. Also, § 959.322(f)(4) authorizes the Committee to approve other types of containers for experimental or testing purposes.

In recent years, there has been a proliferation in package requirements from buyers intent on providing either unique packaging for their stores or special carton sizes for their racking or handling equipment. American retailers desiring to emulate European marketing concepts in display developments (and supporting handling systems) in the U.S. and Canadian marketplace have significantly influenced this process. The evolution of the club and discount stores, design alterations tailored to protecting the commodity from damage during shipment and/or store presentation, and the development of new packaging materials, for example, returnable plastic containers (RPCs) have also greatly influenced the marketplace. The supply side, for reasons of efficiency, has resisted this growth when possible. However, buyer influence is such that no shipper can or will deny buyers new cartons, knowing that other shippers will readily adopt them. The shippers are all impacted by the surge in packaging demands. Many retailers have asked handlers to pack onions in specific RPCs, master containers, and containers other than the currently approved permanent containers. Container dimensions can vary slightly depending upon the manufacturer. During previous seasons, handlers applied for and obtained Committee approval to use these containers on an experimental basis. Safeguarding the use of such experimental containers is an additional burden for the Committee.

Because this trend seems certain to continue in the future, the Committee concluded that the best and most economical resolution of the issue concerning the number of containers would be to simply eliminate the container requirements, thereby permitting shippers to respond to buyer requests as they see fit.

The trend toward even more unique and specialized packaging generally is governed by the desire of the retail community to receive produce in ''display-ready'' packaging consistent with the retailer's image and marketing plan for each type and size or store. At the same time, the packaging must meet the buyer's expectations for structural integrity and consistency with that buyer's handling practices. Although the increased flexibility does complicate the marketplace, and quite obviously results in inefficiencies, it is what retailers think consumers want, and, therefore, is prerequisite to selling onions. Maximum efficiency would result from the adoption of a single uniform footprint, but an effort over the past two years to win acceptance of such a footprint has been virtually abandoned because it is contrary to trends in buyer requirements. Furthermore, foodservice buyers also have specialized container requirements often different from retailer requirements. In the end, however, the confusion is held to a minimum by the simple fact that onions normally are sold by weight and grade, which is consistent regardless of packaging.

Eliminating all container requirements in the handling regulations will enable the industry to ship onions in any and all containers preferred by consumers, buyers, and all retailers, which would benefit producers, handlers, buyers, and consumers of Texas onions enabling the industry to compete more effectively in the marketplace. This action will not impact the onion import requirements. Removing container requirements requires that all references to containers and applicable language also be removed from the order's rules and regulations. References to containers for onions for peeling, chopping, and slicing are also removed. Reference to these types of fresh processing methods will only be made in the introductory text of § 959.322 in order to avoid confusion with other types of processing, which are exempt from grade, size, and inspection requirements and to correct § 959.322(g)(1). In addition, several conforming and formatting changes are being made to clarify or remove some outdated language. Specifically, in § 959.104 *Fiscal period* the first sentence and first part of the second sentence need to be removed. In § 959.322(d)(1), the reference to (f)(3)(ii) needs to be removed because no such section exists, and should be replaced with the correct reference to shipments for experimental purposes. The incorrect section was inadvertently placed in the regulation. Also, in paragraph (d)(1) the name of the inspection office should be corrected to reflect the correct name of the local inspection office and should include the Inspection Service's name referred to in the order. In addition, paragraphs (f)(2), (f)(3), and (f)(5) will be removed because they will no longer be applicable when container requirements are eliminated.

The opportunities and benefits of this rule are expected to be equally available to all onion handlers and regardless of their size of operation. The recommended changes will benefit the entire South Texas onion industry.

The alternatives would be to suspend the container requirements for a certain period of time or leave the regulations as they are. However, the Committee believed that the best action would be to eliminate all requirements completely to provide expanded flexibility.

This rule will not impose any additional reporting or recordkeeping requirements on either small or large onion handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

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

Further, the Committee's meeting was widely publicized throughout the South Texas onion industry and all interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the October 8, 2002, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue. Also, the Committee has a number of appointed subcommittees to review certain issues and make recommendations to the Committee. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/fv/moab.html.* Any question about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the FOR FURTHER INFORMATION CONTACT section.

This rule invites comments on revisions to the rules and regulations currently prescribed under the South Texas onion marketing order. Any comments received will be considered prior to finalization of this rule.

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

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) This rule relaxes requirements by providing additional marketing flexibility for the industry to ship onions; (2) this rule should be in place as soon as possible because the 2003 season begins March 1, 2003; (3) the Committee unanimously recommended these changes at a public meeting and interested parties had an opportunity to provide input; and (4) this rule provides a 60-day comment period and any comments received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 959

Marketing agreements, Onions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR Part 959 is amended as follows:

PART 959—ONIONS GROWN IN SOUTH TEXAS

1. The authority citation for 7 CFR part 959 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 959.104 is revised to read as follows:

§ 959.104 Fiscal period.

The fiscal period shall begin August 1 of each year and end July 31 of the following year, both dates inclusive.

§ 959.237 [Amended]

3. In § 959.237, remove the words ''container or''.

4. Section 959.322 is amended by:

A. Revising the introductory paragraph;

B. Removing paragraph (c);

C. Redesignating paragraph (d) as paragraph (c), and revising newly redesignated paragraph (c)(1);

D. Redesignating paragraph (e) as paragraph (d);

E. Redesignating paragraph (f) as paragraph (e), and revising redesignated paragraph (e);

F. Redesignating paragraph (g) as paragraph (f), and revising the introductory texts of newly redesignated paragraphs (f) and (f)(4); and

G. Redesignating paragraph (h) as paragraph (g) to read as follows:

§ 959.322 Handling regulation.

During the period beginning March 1 and ending June 4, no handler shall handle any onions, including onions for peeling, chopping, and slicing, unless they comply with paragraphs (a) through (c) or (d) or (e) of this section.

* * * * *

(c) *Inspection.* (1) No handler may handle any onions regulated hereunder, except pursuant to paragraphs (d), (e)(1), or (e)(2)(i) of this section unless an inspection certificate has been issued by the Federal or Federal-State Inspection Service, Texas Cooperative Inspection Program, covering them and the certificate is valid at the time of shipment. City destinations shall be listed on inspection certificates and release forms.

* * * * *

(e) *Special purpose shipments.* (1) The minimum grade, size, quality, and inspection requirements set forth in paragraphs (a) through (c) of this section shall not be applicable to shipments of onions for charity, relief and processing if handled in accordance with paragraph (f) of this section.

(2) *Experimental shipments.* Upon approval by the committee, onions may be shipped for experimental purposes exempt from regulations issued pursuant to §§ 959.42, 959.52 and 959.60, provided they are handled in accordance with the safeguard provisions of paragraph (f) of this section.

(3) *Onions failing to meet requirements.* Onions failing to meet the grade and size requirement of this section, and not exempt under paragraphs (d) or (e) of this section, may be handled only pursuant to § 959.126. Such onions not handled in accordance with paragraph (f) of this section shall be mechanically mutilated at the packing shed rendering them unsuitable for fresh market.

(f) *Safeguards.* Each handler making shipments of onions for relief, charity, processing, or experimental purposes shall:

* * * * *

(4) In addition to provisions in the preceding paragraphs, each handler making shipments for processing shall:

* * * * *

Dated: March 4, 2003.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 03–5540 Filed 3–7–03; 9:08 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–NE–37–AD; Amendment 39–13080; AD 2003–05–04]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Deutschland Ltd. & Co KG, Model Tay 611–8, 620–15, 650–15, and 651–54 Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD) that is applicable to Rolls-Royce Deutschland Ltd. & Co KG (RRD) Model Tay 620–15 and 650–15 turbofan engines. That AD currently requires initial and repetitive inspections of certain low pressure (LP) fuel tubes. This amendment requires the same inspections and adds two engine models to the applicability. This amendment is prompted by a report that certain Tay 611–8 and 651–54 turbofan engines may use the same LP fuel tube. The actions specified in this AD are intended to prevent a dual-engine flameout due to fuel exhaustion, which could lead to forced landing and possible damage to the airplane.

DATES: Effective March 26, 2003. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of March 26, 2003. The incorporation by reference of certain other publications, as listed in the regulations, was approved previously by the Director of the Federal Register as of December 18, 2002 (67 FR 71814; December 3, 2002).

Comments for inclusion in the Rules Docket must be received on or before May 12, 2003.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2002–NE–37–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may be inspected at this location, by appointment, between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Comments may also be sent via the Internet using the following address: *9-ane-adcomment@faa.gov.* Comments sent via the Internet must contain the docket number in the subject line.

The service information referenced in this AD may be obtained from Rolls-Royce Deutschland Ltd. & Co KG, Eschenweg 11, D–15827 DAHLEWITZ, Germany; telephone 49 (0) 33–7086–1768; fax 49 (0) 33–7086–3356. This information may be examined, by appointment, at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: James Lawrence, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone 781–238–7176; fax 781–238–7199.

SUPPLEMENTARY INFORMATION: On November 21, 2002, the FAA issued AD 2002–24–06, Amendment 39–12971 (67 FR 71814, December 3, 2002) to require an initial inspection within 300 hours time-in-service (TIS) after the effective date of the AD, or one month after the effective date of the AD, whichever occurred first. That action was prompted by a report of a dual-engine flameout on a Fokker F.28 Mark 0100 airplane that resulted in a forced landing and destruction of the airplane. That condition, if not corrected, could result in a dual-engine flameout due to fuel exhaustion, which could lead to forced landing and possible damage to the airplane. The Luftfhart Bundesamt (LBA), which is the airworthiness authority for Germany, determined that a leak from the LP fuel tube, part number (P/N) JR33021A, which connects the LP fuel flowmeter to the high pressure (HP) fuel pump, resulted in complete fuel exhaustion and subsequent dual engine flameout.

Since AD 2002–24–06 was issued, the LBA has notified the FAA that the same unsafe condition may exist on RRD Model Tay 611–8 and 651–54 turbofan engines with Part 4 of RRD SB TAY–73–1194 incorporated.

Manufacturer's Service Information

RRD has issued SB TAY–73–1540, Revision 1, dated September 13, 2002, that specifies procedures for inspecting the LP fuel tube, P/N JR33021A, for fretting on Tay 620–15 and 650–15 turbofan engines. The LBA classified this service bulletin as mandatory and issued AD No. 2002–331, dated September 13, 2002, in order to ensure the airworthiness of these engines in Germany. RRD has also issued SB TAY–73–1553, Revision 1, dated December 13, 2002, that specifies procedures for inspecting the LP fuel tube, P/N JR33021A, for fretting on Tay 611–8 and 651–54 turbofan engines. The LBA classified this service bulletin as mandatory and issued AD No. 2002–358, dated November 28, 2002, in order to ensure the airworthiness of these RRD Model Tay 611–8 and 651–54 turbofan engines in Germany.

Bilateral Airworthiness Agreement

These engine models are type certificated in Germany, 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 LBA has kept the FAA informed of the situation described above. The FAA has examined the findings of the LBA, 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.

FAA's Determination of an Unsafe Condition and Required Actions

Since an unsafe condition has been identified that is likely to exist or develop on other RRD Tay 611–8, 620–15, 650–15, and 651–54 turbofan engines of the same type design, this AD is being issued to prevent a dual-engine flameout due to fuel exhaustion, which could lead to forced landing and possible damage to the airplane. Since the effective date of AD 2002–24–06 was December 18, 2002, and all TAY 620–15 and 650–15 engines should have completed the initial inspection, this AD requires:

- An initial inspection of the LP fuel tube for fretting before further flight for Tay 620–15 and 650–15 turbofan engines.
- An initial inspection of the LP fuel tube for fretting within 300 hours TIS or one month after the effective date of this AD, whichever occurs first for Tay 611–8 and 651–54 turbofan engines.

• Repetitive inspections for fretting of the LP fuel tube within 2,000 hours TIS after the last inspection for Tay 611–8, 620–15, 650–15, and 651–54 turbofan engines.

The actions must be done in accordance with the service bulletins described previously. The inspections required by this AD are considered interim action, and further rulemaking actions may be taken.

Immediate Adoption of This AD

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

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

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD 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–NE–37–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Analysis

This final rule does not have federalism implications, as defined in Executive Order 13132, because it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the FAA has not consulted with state authorities prior to publication of this final rule.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–12971 (67 FR 71814, December 3, 2002) and by adding a new airworthiness directive, Amendment 39–13080, to read as follows:

2003–05–04 Rolls-Royce Deutschland Ltd. & Co KG: Amendment 39–13080. Docket No. 2002–NE–37–AD. Supersedes AD 2002–24–06, Amendment 39–12971.

Applicability: This airworthiness directive (AD) is applicable to Rolls-Royce Deutschland Ltd. & Co KG (RRD), Model Tay 620–15, 650–15 turbofan engines with low pressure (LP) fuel tube, part number (P/N) JR33021A, installed, and Tay 611–8 and 651–54 turbofan engines with Part 4 of RRD service bulletin (SB) TAY–73–1194 incorporated and LP fuel tube, P/N JR33021A, installed. These engines are installed on, but not limited to Fokker F.28 Mark 0100 airplanes, Supplemental Type Certificate No. SA842SW, Boeing 727 airplanes, and Gulfstream G–IV airplanes.

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

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

To prevent a dual-engine flameout due to fuel exhaustion which could lead to forced landing and possible damage to the airplane, do the following:

Tay 620–15 and 650–15 Turbofan Engines

(a) Before further flight, for Tay 620–15 and 650–15 turbofan engines, inspect LP fuel tube, P/N JR33021A, for fretting in accordance with 3.C.1. through 3.C.10. of the Accomplishment Instructions of RRD SB TAY–73–1540, Revision 1, dated September 13, 2002.

(b) Thereafter, for Tay 620–15 and 650–15 turbofan engines, inspect the LP fuel tube, P/N JR33021A, for fretting in accordance with 3.C.1. through 3.C.10. of the Accomplishment Instructions of RRD SB TAY–73–1540, Revision 1, dated September 13, 2002; at intervals not to exceed 2,000 hours time-in-service (TIS) since the last inspection.

Tay 611–8 and 651–54 Turbofan Engines

(c) For Tay 611–8 and 651–54 turbofan engines with Part 4 of RRD service bulletin (SB) TAY–73–1194 incorporated and 4,000 or more hours TIS, within 300 hours TIS after the effective date of this AD or one month after the effective date of this AD, whichever occurs first, inspect LP fuel tube, P/N JR33021A, for fretting in accordance with 3.C.1. through 3.C.11. of the Accomplishment Instructions of RRD SB TAY–73–1553, Revision 1, dated December 13, 2002.

(d) For Tay 611–8 and 651–54 turbofan engines with Part 4 of RRD service bulletin (SB) TAY–73–1194 incorporated and fewer than 4,000 hours TIS, upon reaching 4,000 hours TIS or within one month after the effective date of this AD, whichever occurs later, inspect LP fuel tube, P/N JR33021A, for fretting in accordance with 3.C.1. through 3.C.11. of the Accomplishment Instructions of RRD SB TAY–73–1553, Revision 1, dated December 13, 2002.

(e) Thereafter, for Tay 611–8 and 651–54 turbofan engines with Part 4 of RRD service bulletin (SB) TAY–73–1194 incorporated, inspect the LP fuel tube, P/N JR33021A, for fretting in accordance with 3.C.1. through 3.C.11. of the Accomplishment Instructions of RRD SB TAY–73–1553, Revision 1, dated December 13, 2002; at intervals not to exceed 2,000 hours TIS since the last inspection.

Alternative Methods of Compliance

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the ECO.

Special Flight Permits

(g) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be done.

Documents That Have Been Incorporated by Reference

(h) The inspections must be done in accordance with the following Rolls-Royce Deutschland Ltd. & Co KG service bulletins (SB's):

Document No.	Pages	Revision	Date
SB TAY–73–1540—Total pages: 9	All	1	September 13, 2002.
SB TAY–73–1553—Total pages: 10	All	1	December 13, 2002.

The incorporation by reference of SB TAY–73–1540, Revision 1, dated September 13, 2002, was approved by the Director of the Federal Register on December 18, 2002 (67 FR 71814; December 3, 2002). The incorporation by reference of SB TAY–73–1553, Revision 1, dated December 13, 2002, was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Rolls-Royce Deutschland Ltd. & Co KG, Eschenweg 11, D–15827 DAHLEWITZ, Germany; telephone 49 (0) 33–7086–1768; fax 49 (0) 33–7086–3356. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in LBA airworthiness directives AD No. 2002–331, dated September 13, 2002, and AD No. 2002–358, dated November 28, 2002.

Effective Date

(i) This amendment becomes effective on March 26, 2003.

Issued in Burlington, Massachusetts, on March 4, 2003.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 03–5583 Filed 3–10–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–CE–50–AD; Amendment 39–13078; AD 2003–05–02]

RIN 2120–AA64

Airworthiness Directives; Lindstrand Balloons Ltd Fuel Hoses

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to all aircraft (specifically balloons) that incorporate certain Lindstrand Balloons Ltd (Lindstrand) fuel hoses. This AD requires you to inspect for certain batches of installed fuel hoses and replace any of these fuel hoses. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the United Kingdom. The actions specified by this AD are intended to detect and replace defective fuel hoses before they result in propane fuel leaks. Such propane fuel leaks could lead to a propane fuel fire.

DATES: This AD becomes effective on May 2, 2003.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of May 2, 2003.

ADDRESSES: You may get the service information referenced in this AD from Lindstrand Balloons Ltd, Maesbury Road, Oswestry, Shropshire SY 10 8ZZ, England; telephone: +44 (0) 1691–671717; facsimile: +44 (0) 1691–671122. You may view this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2002–CE–50–AD, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Roger Chudy, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4140; facsimile: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Discussion

What Events Have Caused This AD?

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified FAA that an unsafe condition may exist on aircraft (specifically balloons) that incorporate certain Lindstrand fuel hoses. The CAA reports six incidents of 3/8-inch bore fuel supply hoses, batch identification number FHL 38381 or FHL 40579, failing in service.

The typical failure observed is of liquid fuel escaping at any position along the length of the hose and through the pinpricking on the outer surface. The leakage observed varies from small bubbles, when leak detection fluid is used on the surface of the hose, to visible jets of liquid propane.

What Is the Potential Impact if FAA Took No Action?

Such propane fuel leaks could lead to a propane fuel fire.

Has FAA Taken Any Action to This Point?

We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all aircraft (specifically balloons) that incorporate certain Lindstrand fuel hoses. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on December 4, 2002 (67 FR 72119). The NPRM proposed to require you to inspect for certain batches of installed fuel hoses and replace any of these fuel hoses.

Was the Public Invited To Comment?

The FAA encouraged interested persons to participate in the making of this amendment. We did not receive any comments on the proposed rule or on our determination of the cost to the public.

FAA's Determination

What Is FAA's Final Determination on This Issue?

After careful review of all available information related to the subject presented above, we have determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. We have determined that these minor corrections:

—Provide the intent that was proposed in the NPRM for correcting the unsafe condition; and

—Do not add any additional burden upon the public than was already proposed in the NPRM.

Cost Impact

How Many Airplanes Does This AD Impact?

We estimate that this AD affects 204 aircraft (specifically balloons) in the U.S. registry.

What Is the Cost Impact of This AD on Owners/Operators of the Affected Airplanes?

We estimate the following costs to accomplish the inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
1 workhour × $60 per hour = $60	Not applicable	$60	$60 × 204 = $12,240

We estimate the following costs to accomplish any necessary replacements that would be required based on the results of the inspection. We have no way of determining the number of aircraft that may need such replacement:

Labor cost	Parts cost	Total cost per hose
1 workhour × $60 per hour = $60 per hose	Replacement hoses provided by manufacturer	$60

Regulatory Impact

Does This AD Impact Various Entities?

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

Does This AD Involve a Significant Rule or Regulatory Action?

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final 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, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. FAA amends § 39.13 by adding a new AD to read as follows:

2003–05–02 Lindstrand Balloons Ltd: Amendment 39–13078; Docket No. 2002–CE–50–AD.

(a) *What aircraft are affected by this AD?* This AD affects any aircraft (specifically balloons), certificated in any category, that incorporate Lindstrand 3/8-inch bore hoses from either hose batches FHL 38381 or FHL 40579.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the aircraft identified in paragraph (a) of this AD must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to detect and replace defective fuel hoses before they result in propane fuel leaks. Such propane fuel leaks could lead to a propane fuel fire.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Actions	Compliance	Procedures
(1) Inspect all 3/8-inch bore hoses used within the aircraft, including burner supply hoses, basket manifolds, and refueling hoses to determine if the hose is from either defective hose batch FHL 38381 or FHL 40579.	Within 5 hours time-in-service after May 2, 2003 (the effective date of this AD).	In accordance with Lindstrand Balloons Ltd Service Bulletin No. 7, Issue 1, dated July 11, 2002

Actions	Compliance	Procedures
(2) If any hose from the defective hose batch is found during the inspection: (i) Obtain a replacement scheme from the manufacturer through the FAA at the address specified in paragraph (f) of this AD. (ii) Incorporate this replacement scheme.	Prior to further flight after the inspection in which the hose from the defective hose batch is found.	Obtain this replacement scheme through the FAA at the address specified in paragraph (f) of this AD.
(3) Do not install Lindstrand 3/8-inch bore fuel hoses from either hose batch FHL 38381 or FHL 40579, unless replaced per paragraphs (d)(2)(i) and (d)(2)(ii) of this AD.	As of May 2, 2003 (the effective date) of this AD	Not applicable.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

(1) Your alternative method of compliance provides an equivalent level of safety; and

(2) The Manager, Standards Office, Small Airplane Directorate, approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standards Office.

Note 1: This AD applies to each aircraft (specifically balloons) with a Lindstrand Balloons Ltd 3/8-inch fuel hose identified in paragraph (a) of this AD, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For aircraft (specifically balloons) that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Roger Chudy, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4140; facsimile: (816) 329–4090.

(h) *Are any service bulletins incorporated into this AD by reference?* Actions required by this AD must be done in accordance with Lindstrand Balloons Ltd Service Bulletin No. 7, Issue 1, dated July 11, 2002. The Director of the Federal Register approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. You may get copies from Lindstrand Balloons Ltd, Maesbury Road, Oswestry, Shropshire SY 10 8ZZ, England; telephone: +44 (0) 1691–671717; facsimile: +44 (0) 1691–671122. You may view copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 2: The subject of this AD is addressed in British AD Number 002–07–2002, dated July 12, 2002.

(i) *When does this amendment become effective?* This amendment becomes effective on May 2, 2003.

Issued in Kansas City, Missouri, on March 3, 2003.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03–5392 Filed 3–10–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1310

[DEA–242F]

RIN 1117–AA74

Maintenance of Records; Technical Correction

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Final rule.

SUMMARY: The Drug Enforcement Administration (DEA) is hereby correcting its regulations to reinstate a paragraph which was inadvertently removed by a previous rulemaking. This final rule reinstates that paragraph and makes conforming amendments to a related paragraph.

EFFECTIVE DATE: March 11, 2003.

FOR FURTHER INFORMATION CONTACT: Patricia M. Good, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone (202) 307–7297.

SUPPLEMENTARY INFORMATION:

Background

On October 11, 1994, DEA published a final rule in the **Federal Register** (59 FR 51365) amending 21 CFR 1310.04 by eliminating the threshold for the List I chemical ephedrine. DEA did this by adding paragraph (g) and subparagraphs (1), (1)(i), (1)(ii), and (2). Subsequently, on October 17, 2001, DEA published a final rule in the **Federal Register** making red phosphorus, white phosphorus and hypophosphorous acid (and its salts) List I chemicals (66 FR 52670). At the same time, DEA did not establish thresholds for these chemicals. DEA did this by amending 21 CFR 1310.04(g)(1) by adding new subparagraphs (1)(ii), (1)(iii), and (1)(iv). Finally, on March 28, 2002, DEA further amended 21 CFR 1310.04 by publishing a final rule in the **Federal Register** implementing the provisions of the Comprehensive Methamphetamine Control Act of 1996 (MCA) (67 FR 14853). Within this rulemaking, DEA failed to note the October 17, 2001, amendments to paragraph (g) and, therefore, inadvertently removed paragraph (g) and all its subparagraphs. Further, in its March 28, 2002, rulemaking DEA placed ephedrine, its salts, optical isomers, and salts of optical isomers in paragraph (f)(1)(i).

To correct the inadvertent removal of 21 CFR 1310.04(g) as amended, and to comply with the current language of 21 CFR 1310.04(f) and the intended language of 21 CFR 1310.04(g), this final rule removes the listing of ''ephedrine, its salts, optical isomers, and salts of optical isomers'' from the chart in 21 CFR 1310.04(f)(1)(i) since there is no threshold for ephedrine. This final rule then reinstates paragraph (g) of 21 CFR 1310.04 as amended, discussing List I chemicals for which no thresholds have been established. Finally, this final rule amends subparagraph (f)(1)(ii) to reference paragraph (g).

Regulatory Certifications

Administrative Procedure Act

An agency may find good cause to exempt a rule from certain provisions of the Administrative Procedure Act (5 U.S.C. 553), including notice of proposed rulemaking and the opportunity for public comment, if it is determined to be unnecessary, impracticable, or contrary to the public interest. The Drug Enforcement Administration finds good cause to exempt this rulemaking from public notice and comment as such notice and comment would be unnecessary and impracticable. This final rule merely corrects the inadvertent removal of 21 CFR 1310.04(g) from the Code of Federal Regulations. Further, DEA finds good cause to make this rulemaking effective immediately upon publication, as delaying its effective date could cause confusion within the regulated industry regarding thresholds for the List I chemicals ephedrine, red phosphorus, white phosphorus and hypophosphorous acid (and its salts).

Congressional Review Act

The Drug Enforcement Administration has determined that this action is a rule relating to agency procedure and practice that does not substantially affect the rights or obligations of non-agency parties and, accordingly, is not a ''rule'' as that term is used by the Congressional Review Act (subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) (Pub. L. 104–121)). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

Regulatory Flexibility Act

The Deputy Assistant Administrator hereby certifies that this rulemaking has been drafted in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation, and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities. This final rule merely corrects the inadvertent removal of a paragraph in title 21, Code of Federal Regulations, part 1310.

Executive Order 12866

The Deputy Assistant Administrator further certifies that this rulemaking has been drafted in accordance with the principles in Executive Order 12866 section 1(b). DEA has determined that this is not a significant regulatory action. Therefore, this action has not been reviewed by the Office of Management and Budget.

Executive Order 12988

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 Civil Justice Reform.

Executive Order 13132

This rulemaking does not preempt or modify any provision of state law; nor does it impose enforcement responsibilities on any state; nor does it diminish the power of any state to enforce its own laws. Accordingly, this rulemaking does not have federalism implications warranting the application of Executive Order 13132.

Unfunded Mandates Reform Act of 1995

This rule will not 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, and will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

List of Subjects in 21 CFR Part 1310

Drug traffic control, List I and II chemicals, Reporting and recordkeeping requirements.

For the reasons set out above, 21 CFR part 1310 is amended as follows:

PART 1310—[AMENDED]

1. The authority citation for part 1310 continues to read as follows:

Authority: 21 U.S.C. 802, 830, 871(b).

2. Section 1310.04 is amended by:

a. Removing paragraph (f)(1)(i)(C), and redesignating existing paragraphs (f)(1)(i)(D) through (f)(1)(i)(W) as (f)(1)(i)(C) through (f)(1)(i)(V);

b. Revising paragraph (f)(1)(ii) introductory text; and

c. Adding paragraph (g).

§ 1310.04 Maintenance of records.

* * * * *

(f) * * *

(1) * * *

(ii) Notwithstanding the thresholds established in paragraphs (f)(1)(i) and (g) of this section, the following thresholds will apply for the following List I chemicals that are contained in drug products that are regulated pursuant to § 1300.02(b)(28)(i)(D) of this chapter (thresholds for retail distributors and distributors required to report under § 1310.03(c) of this part are for a single transaction; the cumulative threshold provision does not apply. All other distributions are subject to the cumulative threshold provision.):

* * * * *

(g) For listed chemicals for which no thresholds have been established, the size of the transaction is not a factor in determining whether the transaction meets the definition of a regulated transaction as set forth in § 1300.02(b)(28) of this chapter. All such transactions, regardless of size, are subject to recordkeeping and reporting requirements as set forth in this part and notification provisions as set forth in part 1313 of this chapter.

(1) Listed chemicals for which no thresholds have been established:

(i) Ephedrine, its salts, optical isomers and salts of optical isomers

(ii) Red phosphorus

(iii) White phosphorus (Other names: Yellow Phosphorus)

(iv) Hypophosphorous acid and its salts

(2) [Reserved]

Dated: February 26, 2003.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control.

[FR Doc. 03–5528 Filed 3–10–03; 8:45 am]

BILLING CODE 4410–09–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[IN147–1a; FRL–7464–6]

Approval and Promulgation of State Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is approving the removal of the State rule controlling fluoride emission limitations from existing primary aluminum plants as a revision to the plan for control of fluoride emissions from existing primary aluminum plants (plan), as requested by the State of Indiana on

October 17, 2002, and January 22, 2003. Indiana has replaced this rule with another regulation which incorporates by reference current Federal requirements into the Indiana Administrative Code. The rule being removed applies to a single source, Aluminum Company of America (ALCOA), located in Warrick County. Because ALCOA remains subject to more stringent Federal requirements, EPA approval should not result in an adverse impact on air quality.

DATES: This direct final rule is effective on May 12, 2003, without further notice unless EPA receives adverse written comments by April 10, 2003. If adverse comment is received, EPA will publish a timely withdrawal of this direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

A copy of the plan revision request is available for inspection at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (Please telephone Randolph Cano at (312) 886–6036 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Randolph Cano, Environmental Protection Specialist, Regulation Development Section, Air Programs Branch (AR–18J), EPA, Region 5, Chicago, Illinois 60604,(312) 886–6036.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we'', ''us'', or ''our'' is used we mean EPA.

Table of Contents

I. What Is the background for This Action?

On October 17, 2002, Lori F. Kaplan, Commissioner of the Indiana Department of Environmental Management, submitted to EPA a requested amendment to the Indiana plan. Indiana's request was clarified in a January 22, 2003, letter to EPA. This amendment consisted of revisions to title 326 of the Indiana Administrative Code (326 IAC) in which the Indiana Air Pollution Control Board repealed 326 IAC 11–5, regulating fluoride emissions from existing aluminum plants. Indiana repealed this rule on June 5, 2002, and filed that action with the Secretary of State on August 28,2002. It became effective on September 27, 2002, and was published in the *Indiana Register* on October 1, 2002 (26 IR 10).

The State originally adopted the rule regulating fluoride emissions from aluminum plants in 1981 as a standard of performance for existing sources under section 111(d) of the Clean Air Act (Act). Indiana submitted the rule to EPA for approval on January 21, 1981. EPA approved the State submittal as satisfying section 111(d) requirements and incorporated it into the Plan on November 27, 1981 (46 FR 57893).

On October 7, 1997, EPA adopted a more stringent rule controlling emissions from primary aluminum plants, under its National Emission Standards for Hazardous Air Pollutants (NESHAP) program. *See* 40 CFR part 63, subpart LL. (62 FR 52384) The State adopted these newer, more stringent NESHAP requirements using Incorporation by Reference procedures on May 21, 2002. *See* 326 IAC 20–24. Because some of the control and monitoring requirements in 326 IAC 11–5 are different from those in the Federal NESHAP rules, the State repealed 326 IAC 11–5 on June 5, 2002. In a January 22, 2003, letter, the State clarified that it intended to replace 326 IAC 11–5 the control strategy in the original plan with the NESHAP requirements it incorporated by reference in the IAC as 326 IAC 20–24.

II. What Changes Are Being Made to the State Rule?

Rule 326 IAC 11–5 is being removed from the Indiana plan. As a result, ALCOA, the only source which had been subject to this State rule, will continue to be subject to 326 IAC 20–24, which incorporates the Federal NESHAP into the Indiana Administrative Code. On January 22, 2003, the State clarified its intent to replace rule 326 IAC 11–5 as the control strategy in its 111(d) plan for controlling fluoride emissions from existing aluminum plants with the NESHAP for controlling fluoride emissions from primary aluminum plants which was promulgated by EPA on October 7, 1987 (62 FR 52384).

III. What Is EPA's Rulemaking Action?

EPA is approving the removal of 326 IAC 11–5 from the Indiana plan and the replacement of this Rule as the emissions control strategy with the Federal NESHAP promulgated October 7, 1997 (62 FR 52384) . Because the only subject source remains obligated to comply with more stringent NESHAPS requirements, EPA approval of this change should not result in an adverse impact on air quality.

EPA is publishing this action without prior proposal because we view this as a noncontroversial revision and we anticipate no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the State's Plan revision request should adverse written comments be filed. This action will be effective without further notice unless EPA receives relevant adverse written comment by April 10, 2003. Should EPA receive such comments, we will publish a final rule informing the public that this action will not take effect. Any parties interested in commenting on this action should do so at this time. If no comments are received, the public is advised that this action will be effective on May 12, 2003.

IV. Statutory and Executive Order Reviews

Executive Order 12866; Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget.

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

For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001).

Regulatory Flexibility Act

This action merely approves state regulations as meeting Federal requirements and imposes no additional requirements beyond those imposed by state regulations. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Unfunded Mandates Reform Act

Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4).

Executive Order 13175 Consultation and Coordination with Indian Tribal Governments

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

Executive Order 13132 Federalism

This action also does not have federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act.

Executive Order 13045 Protection of Children from Environmental Health and Safety Risks

This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

National Technology Transfer Advancement Act

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

Paperwork Reduction Act

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 12, 2003. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Aluminum, Fluoride, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: February 27, 2003.

Bharat Mathur,

Acting Regional Administrator, Region 5.

For the reasons stated in the preamble, part 62, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 62—[AMENDED]

1. The authority citation for part 62 continues to read as follows:

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

Subpart P—Indiana

2. Section 62.3625 is amended by adding paragraph (d) to read as follows:

§ 62.3625 Identification of Plan.

* * * * *

(d) On October 17, 2002, and January 22, 2003, the State notified EPA that it is revising the control strategy for this plan. Rule 326 IAC 11–5 is removed as the control strategy for this plan and the Federal NESHAP for controlling fluoride emissions from primary aluminum reduction plants promulgated on October 7, 1997 (62 FR 52384), and codified at 40 CFR part 63, subpart LL is the revised control strategy for this plan.

[FR Doc. 03–5741 Filed 3–10–03; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register

Vol. 68, No. 47

Tuesday, March 11, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21, 43 and 145

Performing Work on Products and/or Parts That Have Left a Production Approval Holder's (PAH's) Quality System

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of policy statement; request for comments.

SUMMARY: The Production and Airworthiness Division (AIR–200) and the Aircraft Maintenance Division (AFS–300) propose to formally adopt policy regarding who is authorized to perform work on products and/or parts that have left a PAH's quality system

DATES: Comments must be received by May 12, 2003.

ADDRESSES: Send comments on this Notice of Policy Statement to the Aircraft Certification Service, Production and Airworthiness Division, Production Certification Branch, AIR–210, Room 815, 800 Independence Avenue SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Barbara A. Capron, Aircraft Certification Service, Production and Airworthiness Division, Production Certification Branch, AIR–210, Room 815, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–3343; fax (202) 267–5580; email: *barbara.capron@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites interested parties to comment on this notice of policy statement. Please submit comments to the above address. The FAA will consider all comments received by the closing date before issuing a final policy statement.

Background

Part 21 Applicability

Title 14, Code of Federal Regulations (14 CFR) part 21 Certification Producers for Products and parts (part 21) defines the regulations for the portion of the aviation industry that supports the design and manufacture of aviation products and parts. This includes the requirements for the issue of type certificates and changes to those certificates; the issue of production certificates (PCs); the issue of airworthiness certificates; the issue of export airworthiness approvals; the rules governing the holder of any of these certificates, and procedural requirements for the approval of certain materials, parts, processes, and appliances.

Part 43 Applicability

14 CFR part 43 Maintenance, Preventive Maintenance, Rebuilding and Alteration (part 43) defines regulations for the portion of the aviation industry that supports continued airworthiness standards, or more specifically those that maintain the airworthiness status of products and parts. It prescribes rules governing the maintenance, preventive maintenance, rebuilding and alteration of any aircraft having a U.S. airworthiness certificate; foreign-registered civil aircraft used in common carriage or carriage of mail under the provisions of 14 CFR part 121 or 135; and airframe, aircraft engines, propellers, appliances, and component parts of such aircraft. Part 43 does not apply to any aircraft for which an experimental airworthiness certificate has been issued, unless a different kind of airworthiness certificate had previously been issued for the aircraft.

For products and parts that have already met the applicability requirements of part 43, § 43.3(j) authorizes a manufacturer *to rebuild or alter* (emphasis added) any aircraft, aircraft engine, propeller, appliance, or part manufactured by him under a type or PC, Technical Standard Order (TSO) Authorization, an FAA Parts Manufacturer Approval (PMA), or Product and Process Specification. Any maintenance, preventive maintenance and alterations are not included in the authority of § 43.3(j).

Part 145 Applicability

Part 145, Subpart D, Limited Ratings for Manufacturers, permits certain manufacturers to obtain, without further showing, a repair station certificate with a limited rating under Part 145. The FAA considered that the standards met by a manufacturer to obtain a PC, approved production inspection system (APIS), or other approved quality control system, provided a level or safety equivalent to that achieved under the standards applicable to a certificated repair station with a limited rating. This has permitted the holder of a limited rating for manufacturers to maintain and approve for return to service any article for which it is rated, and perform preventive maintenance on that article if certificated mechanics and repairmen are employed directly in charge of the maintenance and preventive maintenance in accordance with current § 145.103.

Elimination of the Limited Rating for Manufacturers

As proposed in Notice No. 99–09 (66 FR 41117, August 6, 2001) the FAA is eliminating the limited rating for manufacturers because maintenance practices and aircraft technologies have evolved since the establishment of limited ratings for manufacturers, and the FAA has determined that all repair facilities' systems for inspection, recordkeeping, and quality control should be consistent. These regulatory changes should also ensure uniform FAA surveillance activities.

Part 145 Regulatory Change

Effective April 6, 2003, Manufacturer Maintenance Facilities will no longer be permitted. Under the revised 14 CFR part 145, existing MMFs will be required to have a limited repair station rating under § 145.61 if they choose to continue exercising similar privileges.

Need To Define Part 21 vs. Part 43 Activities

A production approval holder (PAH) is a person who holds a PC, APIS, a PMA, or a TSO authorization that controls the design and quality of a product or part thereof. For many years, products and/or parts have been shipped from suppliers to PAHs, between PAHs, and from PAHs to airlines, repair stations, distributors, etc. This notice is designed to clarify at what point a supplier or PAH may no longer perform work on its product under part 21, and when that work must be performed by an appropriately certificated person under part 43, part 91, part 145, or any of the operating rules of 14 CFR Subchapter G, Air Carriers and Operations for Compensation or Hire: Certification and Operations.

Part 21 applies to new products or parts that remain under the control of a PAH. Any work performed on those products or parts while under the control of the PAH's quality system is to be accomplished in accordance with that system. However, once the products or parts leave that quality system, any work performed would be in accordance with part 43.

Part 43 applies to: (1) Aircraft having a U.S. airworthiness certificate; (2) Foreign-registered civil aircraft used in common carriage of mail under the provisions of part 121, or 135 of this chapter; and (3) Airframe, aircraft engines, propellers, appliances, and component parts of such aircraft. This indicates that any work performed on an article before it meets the applicability requirements of part 43 would not have to be accomplished in accordance with part 43.

Discussion

In an effort to better define where the regulatory authority of part 21 ends and the regulatory authority of part 43 begins, the Aviation Rulemaking Advisory Committee (ARAC) for part 21 suggested incorporating new language into part 21 that would clarify a manufacturer's authority to maintain products and parts that do not meet part 43 applicability requirements, *i.e.,* new products and parts that have not yet left the PAH's quality system. This work would be done without the need for a repairman or mechanic certificate, and would not be considered to be maintenance as it pertains to part 43. Currently, aviation authorities such as Transport Canada and the Joint Aviation Authorities allow this. Rather than initiate a lengthy rule change to accommodate ARAC's recommendation, AFS and AIR are providing the following clarification:

Products or parts that leave a PAH or supplier (either foreign or domestic) and go to a PAH for incorporation into a higher level product/part (*e.g.,* fuel control unit incorporated into an engine; or an engine incorporated into an aircraft) for which that PAH controls the type design must have work performed in accordance with the higher level PAH's quality system regardless of who performs the work. Conditions are as follows:

(1) The supplier or PAH working on the product or part must have the appropriate design data to ensure that the product or part continues to conform to its type design.

(2) The PAH incorporating the product or part must have an approved system in place (*e.g.,* quality control system, material review board, configuration control, etc.) that defines how work is performed and documented. If the product or part is worked on by the supplier, it must then be accepted through the PAH's quality system.

(3) If the PAH incorporating the product or part chooses to work on it, the work must be accomplished by authorized personnel who are familiar with the product's or part's complexities.

(4) If a product or part has moved through several suppliers or PAHs during its assembly, the PAH that is incorporating the product or part into its type design must determine which of those organizations is the appropriate one to work on the product or part based on the above conditions.

Products or parts that leave a PAH's quality system and are delivered to an airline, repair station, distributor, etc., are intended to be installed on a higher assembly that has already met the applicability requirements of part 43. Therefore, any maintenance, preventive maintenance, or alterations on such articles will be performed by persons authorized under part 43.

Summary

Effective April 6, 2003, products or parts that leave a PAH or supplier (either foreign or domestic) and go to a PAH for incorporation into a higher level product/part for which that PAH controls the type design must have work performed in accordance with the higher level PAH's quality system under part 21.

Products or parts shipped to airlines, repair stations, distributors, etc., after leaving a PAH's approved quality system must be maintained in accordance with part 43. Any used products or parts returned to the manufacturer must be maintained in accordance with part 43 under the provisions of the new § 145.61. Any used products or parts installed on new production aircraft must have been maintained in accordance with part 43 prior to their installation. As noted in Notice Number 99–09, the FAA will give full consideration to the part 21 quality control system established by the manufacturer when it applies for the § 145.61, Limited rating under new § 145.51, Application for certificate.

Issued in Washington, DC on February 25, 2003.

Frank P. Paskiewicz,

Manager, Production and Airworthiness Division, AIR–200.

[FR Doc. 03–5128 Filed 3–10–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–369–AD]

RIN 2120–AA64

Airworthiness Directives; Lockheed Martin Models L–1011 Airplanes and Rolls-Royce plc RB211 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The Federal Aviation Administration (FAA) proposes to supersede an existing airworthiness directive (AD) that is applicable to Lockheed Martin L–1011–385 series airplanes. That AD currently requires modifications of the engine turbine cooling air panel at the flight engineer/second officer's console, pilot's caution and warning light panel on the main instrument panel, and installation of an engine turbine air temperature monitoring system. This proposal would require the same modifications. In addition, this proposal would add Lockheed Martin L–1011–385 series airplanes with RB211–22B–02 series engines to the applicability, would require installation of a revised engine front bearing housing assembly, installation of a revised speed probe loom electrical support assembly, and installation of a low pressure (LP) compressor shaft extreme axial movement detector system. Also, this proposal would require additional modifications to the engine turbine cooling air panel at the flight engineer/second officer's console, pilot's caution and warning light panel on the main instrument panel. This proposal is prompted by reports of an undetected fire breaching the high speed gearbox (HSGB) case on certain Rolls-Royce engines installed on in-service airplanes due to lack of an internal fire detection system within the HSGB. In addition, this proposal is prompted by an undetected LP compressor shaft location

bearing failure, and the discovery of possible fatigue failure of the speed probe loom electrical support assembly. The actions specified by the proposed AD are intended to prevent undetected fires originating within the HSGB from breaching the HSGB case, which could result in engine damage and increased difficulty in extinguishing a fire, and to prevent undetected LP compressor shaft location bearing failure, which could result in LP compressor and turbine shaft assembly failure, turbine overspeed, and possible uncontained engine failure.

DATES: Comments must be received by May 12, 2003.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–NM–369–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may be inspected at this location, by appointment, between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Comments may also be sent via the Internet using the following address: *''9-ane-adcomment@faa.gov''*. Comments sent via the Internet must contain the docket number in the subject line.

The service information referenced in the proposed rule may be obtained from Rolls-Royce plc, P.O. Box 31, Derby, England, DE248BJ; telephone: 011–44–1332–242–424; fax: 011–44–1332–245–418 and Lockheed Martin & Logistics Center, 120 Orion Street, Greenville, South Carolina 29605. This information may be examined, by appointment, at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: James Lawrence, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone: (781) 238–7176, fax: (781) 238–7199, and Robert A. Bosak, Aerospace Engineer, Atlanta Aircraft Certification Office, One Crown Center, Suite 475, 1895 Phoenix Blvd., Atlanta, GA 39348, telephone: (770) 703–6094, fax: (770) 703–6097.

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 should 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.

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–369–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–NM–369–AD, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

On August 15, 2001, the FAA issued airworthiness directive (AD) 2000–17–10 R1, Amendment 39–12378 (66 FR 44030 August 22, 2001), to require modifications of the engine turbine cooling air panel at the flight engineer/second officer's console, pilot's caution and warning light panel on the main instrument panel, and installation of an engine turbine air temperature monitoring system. That action was prompted by reports of an undetected fire breaching the HSGB case on certain Rolls-Royce engines installed on in-service airplanes due to lack of an internal fire detection system within the HSGB. That condition, if not corrected, could result in engine damage and increased difficulty in extinguishing a fire.

Since that AD was issued, it has been determined that Lockheed Martin L–1011–385 series airplanes with RB211–22B–02 series engines need to be added to the applicability. Also since that AD was issued, the Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom (U.K.), notified the FAA that other unsafe conditions may exist on Rolls-Royce plc RB211–22B–02, RB211–524B–02, RB211–524B–B–02, RB211–524B3–02, RB211–524B4–02, and RB211–524B4–D–02 series turbofan engines which are installed in Lockheed Martin models L–1011–385–1, L–1011–385–1–14, L–1011–385–1–15, and L–1011–385–3 airplanes. The CAA has reported that recently an event occurred in which the continued operation of an engine with an undetected failure of the LP compressor shaft location bearing, resulted in failure of the LP compressor and turbine shaft assembly and severe secondary engine damage. The manufacturer states that the method used to detect pending failure of the LP compressor shaft location bearing is to monitor the LP vibration level on an indicator in the cockpit. This method has proved ineffective.

This proposal contains actions that would be required for these Rolls-Royce engines and the airplanes on which the engines are installed. Those actions must be done so that the installation of the engine turbine air temperature monitoring system and installation of the LP compressor shaft extreme axial movement detector system are complete. Without complete monitor and detector systems, engine damage and increased difficulty in extinguishing a fire could occur, and failures of the LP compressor shaft location bearing would continue undetected. These actions have been coordinated with the Atlanta Aircraft Certification Office and the Transport Airplane Directorate. All parties agree that a single AD addressing these unsafe conditions and the complete modifications to address these unsafe conditions should be issued from the Engine and Propeller Directorate.

Manufacturer's Service Information

Rolls-Royce plc has issued Mandatory Service Bulletins (MSB) RB.211–72–C863, dated February 15, 2002, applicable to RB211–22B–02 engines and MSB RB.211–72-C963, dated December 4, 2001, applicable to RB211–524B–02, RB211–524B–B–02, RB211–524B3–02, RB211–524B4–02, and RB211–524B4–D–02 engines, that specify installation of an LP compressor shaft extreme axial movement detector system. These MSB's require compliance with five other service bulletins (SB's) concurrently or before accomplishing the applicable MSB. This proposal would require compliance with the latest revisions of these SB's, as listed in this proposal. The SB's are as follows:

- RR SB RB.211–72–6149, Revision 9, dated November 24, 1999, which introduces a new design engine front bearing housing assembly containing changes to the intermediate pressure (IP) and LP speed probe terminal block positions to prevent oil leakage.

- RR SB RB.211–72–C178, Revision 1, dated March 9, 2001, which introduces a revised engine gearbox breather duct assembly that provides mounting locations for overheat detectors.
- RR SB RB.211–77–C144, Revision 1, dated February 13, 2002, which introduces overheat detectors mounted in the engine gearbox breather duct assembly, to provide detection of temperature increase in the gearbox breather air flow, and early detection of fires originating in the gearbox.
- RR MSB RB.211–71–E047, dated August 2, 2002, which introduces a revised speed probe loom electrical support assembly, located on the engine front bearing housing assembly.
- Lockheed Martin SB 093–77–059, Revision 2, dated April 11, 2002, which introduces modifications to the airplane instrument panels and consoles, necessary for compatibility with the installation of the engine turbine air temperature monitoring system.
- Lockheed Martin SB 093–77–060, dated April 11, 2002, which introduces modifications to the airplane instrument panels and consoles, necessary for compatibility with the installation of engine failure indicators and LP compressor shaft extreme axial movement detector indicators.

These modifications would be mandated by this proposal. The CAA classified MSB RB.211–72–C863, MSB RB.211–72–C963, and MSB RB.211–71–E047 as mandatory and issued AD 006–02–2002, dated February 15, 2002, AD 006–12–2001, dated December 4, 2001, and AD 003–08–2002, dated August 2, 2002 respectively, in order to assure the airworthiness of these engines in the U.K.

Differences Between This AD and the Manufacturer's Service Information

Although Mandatory Service Bulletins RB.211–72–C863 and RB.211–72–C963 specify a fixed date for compliance for RB211–22B–02, RB211–524B–02, RB211–524B–B–02, RB211–524B3–02, RB211–524B4–02 and RB211–524B4–D–02 engines, the FAA requires the compliance to be done within a specified time span such as months or years from the effective date of the AD.

Bilateral Agreement Information

These engine models are manufactured in the U.K. and are type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, 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.

Proposed Requirements of This AD

Since an unsafe condition has been identified that is likely to exist or develop on other Lockheed Martin models L–1011–385–1, L–1011–385–1–14, L–1011–385–1–15, and L–1011–385–3 airplanes and Rolls-Royce plc RB211–22B–02, RB211–524B–02, RB211–524B–B–02, RB211–524B3–02, RB211–524B4–02, and RB211–524B4–D–02 series turbofan engines of the same type design that are used on airplanes registered in the United States, the proposed AD would require:

- Modifications of the engine turbine cooling air panel at the flight engineer/second officer's console, pilot's caution and warning light panel on the main instrument panel.
- Installation of an engine turbine air temperature monitoring system.
- Installation of a revised engine front bearing housing assembly.
- Installation of speed probe loom electrical support assembly part number (P/N) FW15212, if applicable.
- Installation of an LP compressor shaft extreme axial movement detector system.

The actions would be required to be done in accordance with the MSB's and SB's described previously.

Economic Analysis

There are approximately 492 engines and 164 airplanes of the affected design in the worldwide fleet. The FAA estimates that 270 engines installed on 90 airplanes of U.S. registry would be affected by this proposed AD. The FAA estimates that it would take approximately 40 work hours per engine to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $58,956 per engine. The FAA estimates that it would cost approximately $37,920 per airplane to do the airframe panel modifications. In addition, one airplane of U.S. registry would require speed probe loom electrical support assemblies P/N FW15212 installed on all three engines, at an estimated cost of $588 per engine. Based on these figures, the total cost of the proposed AD to U.S. operators is estimated to be $19,980,684.

Regulatory Analysis

This proposed rule does not have federalism implications, as defined in Executive Order 13132, because it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the FAA has not consulted with state authorities prior to publication of this proposed rule.

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 39–12378, 66 FR 44030 August 22, 2001), and by adding a new airworthiness directive:

Lockheed Martin and Rolls-Royce plc: Docket No. 2000–NM–369–AD.

Applicability: This airworthiness directive (AD) is applicable to Lockheed Martin models L–1011–385–1, L–1011–385–1–14, L–1011–385–1–15, and L–1011–385–3 airplanes and Rolls-Royce plc (RR) RB211–22B–02, RB211–524B–02, RB211–524B–B–02, RB211–524B3–02, RB211–524B4–02, and RB211–524B4–D–02 series turbofan engines.

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

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

To prevent undetected fires originating within the high speed gearbox (HSGB) from breaching the HSGB case, which could result in engine damage and increased difficulty in extinguishing a fire, and to prevent undetected low pressure (LP) compressor shaft location bearing failure, which could result in LP compressor and turbine shaft assembly failure, turbine overspeed, and possible uncontained engine failure, do the following:

Requirements for All Applicable Airplanes and Engines

(a) Incorporate the following service bulletins concurrently or before accomplishing the requirements of RR Mandatory Service Bulletin (MSB) RB.211–72–C963, dated December 4, 2001, or RR MSB RB.211–72–C863, dated February 15, 2002, whichever is applicable, as specified in paragraphs (b) through (d) of this AD:

(1) Install a new design engine front bearing housing assembly in accordance with RR SB RB.211–72–6149, Revision 9, dated November 24, 1999.

(2) Modify airplane instrument panels and consoles, necessary for compatibility with the installation of the engine turbine air temperature monitoring system, in accordance with Lockheed Martin SB 093–77–059, Revision 2, dated April 11, 2002.

(3) Install a revised gearbox breather assembly in accordance with RR SB RB.211–72–C178, Revision 1, dated March 9, 2001.

(4) Install overheat detectors in the gearbox breather duct assembly, in accordance with RR SB RB.211–77–C144, Revision 1, dated February 13, 2002.

(5) Modify airplane instrument panels and consoles and install engine failure indicators and LP compressor shaft extreme axial movement detector indicators, in accordance with Lockheed Martin SB 093–77–060, dated April 11, 2002.

RB211–524B–02 and RB211–524B–B–02 Engines

(b) Within three months after the effective date of this AD, for RB211–524B–02 and RB211–524B–B–02 engines, do the following:

(1) Install an LP compressor shaft extreme axial movement detector system in accordance with RR Mandatory Service Bulletin (MSB) RB.211–72–C963, dated December 4, 2001.

(2) Replace existing speed probe loom electrical support assembly, located on the engine front bearing housing assembly, with speed probe loom electrical support assembly P/N FW15212, in accordance with 3.A. Accomplishment Instructions of RR MSB RB.211–71–E047, dated August 2, 2002.

RB211–22B–02 Engines

(c) Within three years after the effective date of this AD, for RB211–22B–02 engines, install an LP compressor shaft extreme axial movement detector system in accordance with RR MSB RB.211–72–C863, dated February 15, 2002.

RB211–524B3–02, RB211–524B4–02, and RB211–524B4–D–02 Engines

(d) Within four years after the effective date of this AD, for RB211–524B3–02, RB211–524B4–02, and RB211–524B4–D–02 engines, install an LP compressor shaft extreme axial movement detector system in accordance with RR MSB RB.211–72–C963, dated December 4, 2001.

Alternative Methods of Compliance

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the ECO or ACO.

Special Flight Permits

(f) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be done.

Note 3: The subject of this AD is addressed in CAA airworthiness directive AD 006–12–2001, AD 003–08–2002, and AD 006–02–2002.

Issued in Burlington, Massachusetts, on March 4, 2003.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 03–5582 Filed 3–10–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003–NE–03–AD]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce plc RB211 Trent 800 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The Federal Aviation Administration (FAA) proposes to adopt a new airworthiness directive (AD) that is applicable to Rolls-Royce plc (RR) RB211 Trent 875, Trent 877, Trent 884, Trent 892, Trent 892B, and Trent 895 turbofan engines with high pressure (HP) compressor rotor rear stage 5 and 6 discs and cone shafts, part numbers (P/Ns) FK25230 and FK27899 installed. This proposal would require removal from service of these HP compressor rotor rear stage 5 and 6 discs and cone shafts, before reaching newly reduced life limits. This proposal is prompted by three reports of crack indications in the stage 5 and stage 6 blade loading slots, found during engine overhaul. The actions specified by the proposed AD are intended to prevent crack initiation and propagation leading to uncontained disc failure and damage to the airplane.

DATES: Comments must be received by May 12, 2003.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2003–NE–03–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may be inspected at this location, by appointment, between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Comments may also be sent via the Internet using the following address: "*9-ane-adcomment@faa.gov*". Comments sent via the Internet must contain the docket number in the subject line.

FOR FURTHER INFORMATION CONTACT: James Lawrence, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299, telephone (781) 238–7176; fax (781) 238–7199.

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 should 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.

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–NE–03–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2003–NE–03–AD, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom (U.K.), recently notified the FAA that an unsafe condition may exist on RR RB211 Trent 875, Trent 877, Trent 884, Trent 892, Trent 892B, and Trent 895 turbofan engines. The CAA advises that three HP compressor rotor rear stage 5 and 6 discs and cone shafts, P/Ns FK25230 and FK27899, were found with crack indications in the stage 5 and 6 blade loading slots, during overhaul inspection. The manufacturer's analysis has not yet been able to identify the root cause of these cracks, or to fully explain the crack propagation rate. As a result of the analysis thus far, a new lower life limit of 7,500 cycles-since-new (CSN) has been assigned by the manufacturer to these HP compressor rotor rear stage 5 and 6 discs and cone shafts. This condition, if not corrected, could result in stage 5 and 6 disc crack initiation and propagation leading to uncontained disc failure and damage to the airplane.

Bilateral Agreement Information

These engine models are manufactured in the U.K. 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 CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, 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.

Proposed Requirements of This AD

Since an unsafe condition has been identified that is likely to exist or develop on other RR RB211 Trent 875, Trent 877, Trent 884, Trent 892, Trent 892B, and Trent 895 turbofan engines of the same type design that are used on airplanes registered in the United States, the proposed AD would require replacing HP compressor rotor rear stage 5 and 6 discs and cone shafts, P/Ns FK25230 and FK27899, at or before reaching the new reduced life cycle limit of 7,500 CSN.

Interim Action

These proposed actions are considered interim action and the FAA may take additional actions in the future.

Economic Analysis

There are approximately 350 engines of the affected design in the worldwide fleet. The FAA estimates that 90 engines installed on airplanes of U.S. registry would be affected by this proposed AD. The FAA also estimates that the prorated cost of the life reduction per engine would be approximately $112,195. Based on these figures, the total cost of the proposed AD is estimated to be $10,097,550.

Regulatory Analysis

This proposed rule does not have federalism implications, as defined in Executive Order 13132, because it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the FAA has not consulted with state authorities prior to publication of this proposed rule.

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:

Rolls-Royce plc: Docket No. 2003–NE–03–AD.

Applicability: This airworthiness directive (AD) is applicable to Rolls-Royce plc (RR) RB211 Trent 875, Trent 877, Trent 884, Trent 892, Trent 892B, and Trent 895 turbofan engines with high pressure (HP) compressor rotor rear stage 5 and 6 discs and cone shafts, part numbers (P/Ns) FK25230 and FK27899 installed. These engines are installed on, but not limited to Boeing 777 airplanes.

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

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

To prevent stage 5 and 6 disc crack initiation and propagation leading to uncontained disc failure and damage to the airplane, do the following:

(a) Remove HP compressor rotor rear stage 5 and 6 discs and cone shafts, from service at or before accumulating 7,500 cycles-since-new (CSN).

(b) After the effective date of this AD, do not install any HP compressor rotor rear stage 5 and 6 discs and cone shaft, listed in this AD, that exceed 7,500 CSN.

Alternative Methods of Compliance

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the ECO.

Special Flight Permits

(d) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be done.

Note 3: The subject of this AD is addressed in CAA airworthiness directive 002–08–2002, dated November 22, 2002.

Issued in Burlington, Massachusetts, on March 5, 2003.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 03–5691 Filed 3–10–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF JUSTICE

28 CFR Part 28

[OAG 105; A.G. Order No. 2664–2003]

RIN 1105–AA78

DNA Sampling of Federal Offenders Under the USA PATRIOT ACT of 2001

AGENCY: Department of Justice.

ACTION: Proposed rule with request for comments.

SUMMARY: The Department of Justice is publishing this proposed rule to implement section 503 of Public Law 107–56, the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001. This rule amends the list of federal offenses that will be treated as qualifying offenses for purposes of collecting DNA samples from federal offenders.

DATES: Written comments must be submitted on or before April 10, 2003.

ADDRESSES: Send comments to David J. Karp, Senior Counsel, Office of Legal Policy, Room 7232, Main Justice Building, 950 Pennsylvania Avenue NW., Washington, DC 20530.

FOR FURTHER INFORMATION CONTACT: David J. Karp, Senior Counsel, Office of Legal Policy. Telephone: (202) 514–3273.

SUPPLEMENTARY INFORMATION: On June 28, 2001, the Department of Justice published an interim rule to implement section 3 and related provisions of Public Law 106–546, the DNA Analysis Backlog Elimination Act of 2000. 66 FR 34363 (June 28, 2001). That rule, in part, specified the federal offenses that are treated as ‘‘qualifying Federal offenses’’ for purposes of collecting DNA samples from federal offenders. Individuals convicted of one of the specified qualifying federal offenses must have samples of their DNA collected and the resulting information entered into the Combined DNA Index System which the Federal Bureau of Investigation has established pursuant to 42 U.S.C. 14132.

Subsequent to the publication of that interim rule, Congress enacted Public Law 107–56, the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001. Section 503 of the USA PATRIOT ACT provided that three additional categories of offenses shall be treated for purposes of DNA sample collection as qualifying federal offenses, as determined by the Attorney General: (1) Any offense listed in section 2332b(g)(5)(B) of title 18, United States Code; (2) any crime of violence (as defined in section 16 of title 18, United States Code); and (3) any attempt or conspiracy to commit any of the above offenses. See 42 U.S.C. 14135a(d)(2). The purpose of this proposed rule is to revise a section of the existing regulations, 28 CFR 28.2, to reflect the addition of these three new categories.

The offenses listed in the proposed revision of § 28.2 are generally grouped by title of the United States Code for convenience in readability and application. The derivation of the listing is as follows:

Offenses in the Current Rule

Section 3(d)(1) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(d)(1)) identifies the qualifying offenses that are reflected in the current § 28.2. These offenses are all carried forward in the proposed revision of § 28.2. In some instances, however, the offenses in the current rule will be subsumed in broader references in the revised listing that reflect the new categories added by section 503 of the USA PATRIOT ACT. See 42 U.S.C. 14135a(d)(2). In particular, under the current listing, only voluntary manslaughter under 18 U.S.C. 1112 is covered. See 42 U.S.C. 14135a(d)(1)(A); 28 CFR 28.2(b). In accordance with section 503 of the USA PATRIOT ACT, however, the expanded offense categories now include crimes of violence as defined in 18 U.S.C. 16. See 42 U.S.C. 14135a(d)(2)(B). The revised listing includes 18 U.S.C. 1112 without qualification, reflecting the Attorney General’s determination that involuntary manslaughter constitutes such an offense.

Likewise, the current listing includes a more limited set of offenses under 18 U.S.C. 1153, an Indian country jurisdictional provision. See 42 U.S.C. 14135a(d)(1)(F); 28 CFR 28.2(d). Specifically, of the offenses identified in 18 U.S.C. 1153, the current listing does not include ‘‘assault with intent to commit murder, assault with a dangerous weapon, assault resulting in serious bodily injury (as defined in section 1365 of this title), an assault against an individual who has not attained the age of 16 years,’’ or ‘‘a felony under section 661 of this title.’’ 18 U.S.C. 1153. However, the previously excluded assaultive crimes are crimes of violence as defined in 18 U.S.C. 16. The revised listing encompasses a broader range of offenses under 18 U.S.C. 1153, excluding only felonies under section 661 of title 18, which defines nonviolent larceny offenses.

Offenses Listed in 18 U.S.C. 2332b(g)(5)(B)

Section 503 of the USA PATRIOT ACT added offenses listed in 18 U.S.C. 2332b(g)(5)(B)—a statutory list of crimes that are often committed by terrorists—as qualifying offenses for purposes of DNA sample collection. The proposed revision of 28 CFR 28.2 incorporates all of these offenses.

In some instances, offenses listed explicitly in 18 U.S.C. 2332b(g)(5)(B) are subsumed in broader references in the proposed revision to 28 CFR 28.2. For example, 18 U.S.C. 2332b(g)(5)(B) includes offenses under section ‘‘844(f)(2) or (3)’’ of title 18. Since the offense defined by section 844(f)(1) of title 18 is a crime of violence—and hence includable on the basis of 42

U.S.C. 14135a(d)(2)(B)—the listing in the proposed revision of § 28.2 includes all offenses under 18 U.S.C. 844(f) without qualification.

Crimes of Violence

Section 503 of the USA PATRIOT ACT also added offenses that are crimes of violence under the definition of 18 U.S.C. 16. According to that provision, a crime of violence is ''(a) an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or (b) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.''

Some offenses that satisfy this definition are independently covered by the original offense categories in 42 U.S.C. 14135a(d)(1) or the listing of offenses in 18 U.S.C. 2332b(g)(5)(B). However, there are a large number of federal crimes which satisfy this definition and are not otherwise included in the offense categories in the DNA sample collection statute. The proposed revision of § 28.2 includes an extensive listing of such provisions.

Many crimes of violence are defined or referenced in discrete sections, subsections, or paragraphs of the United States Code. The listing in proposed § 28.2 identifies such offenses by referring to the appropriate sections, subsections, or paragraphs.

In some instances, however, sections of the United States Code effectively define a number of offenses—some violent and some nonviolent under the definition of 18 U.S.C. 16—without structural subdivisions that can readily be referenced in identifying the violent offenses. For such provisions, the proposed listing in revised § 28.2 identifies the covered crimes of violence by including appropriate phrases that specify the relevant limitations.

For example, 18 U.S.C. 241 generally prohibits conspiracies to violate federally protected rights. The basic offense under the section is punishable by imprisonment for up to 10 years. The section also includes aggravated offenses, punishable by imprisonment for any term of years or for life, for cases in which ''death results'' or that involve ''kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.'' The aggravated offenses under 18 U.S.C. 241 are crimes of violence under the definition of 18 U.S.C. 16. Consequently, the listing in proposed § 28.2 refers to offenses under section 241 ''involving an offense punishable by imprisonment for any term of years or for life.'' Similarly, the subsequent section of the code, 18 U.S.C. 242, generally prohibits willful deprivations of federally protected rights under color of law, and the basic offense it defines is graded as a misdemeanor. The section also includes aggravated offenses, punishable at the felony level, that constitute crimes of violence. The listing in proposed § 28.2 accordingly covers offenses under section 242 ''if a felony.''

Other types of qualifying phrases are also used, as appropriate, in relation to sections that set forth alternative grounds of liability that effectively define both violent and nonviolent offenses under 18 U.S.C. 16. For example, 18 U.S.C. 874 prohibits securing kickbacks from public works employees ''by force [or] intimidation,'' or alternatively by ''threat of procuring dismissal from employment, or by any other manner whatsoever.'' The listing in proposed § 28.2 accordingly refers to offenses under section 874 ''involving force or intimidation.''

In addition to crimes of violence that are currently included in the United States Code, the listing in the proposed rule includes two sections defining offenses involving rape or sexual abuse of children that have been repealed, 18 U.S.C. 2031 and 2032. Notwithstanding the repeal of these provisions, offenders who were convicted under them may currently be in custody or under supervision. The inclusion of these sections in the rule ensures that DNA samples will be collected from these offenders.

Attempts and Conspiracies

The amendment in section 503 of the USA PATRIOT ACT also provides that any attempt or conspiracy to commit a qualifying federal offense is a qualifying federal offense for purposes of DNA sample collection. See 42 U.S.C. 14135a(d)(1)(G) and (2)(C). In part, this is implemented through the inclusion in proposed § 28.2(a)–(h) of various specific provisions that encompass liability for attempts or conspiracies. However, there are also cross-cutting attempt and conspiracy provisions in the United States Code, including 18 U.S.C. 371 and 844(n) and 21 U.S.C. 846, which apply to categories of offenses that include both offenses that are qualifying federal offenses for DNA sample collection purposes and offenses that are not. Paragraph (i) in proposed § 28.2 makes it clear that any attempt or conspiracy under these provisions is a qualifying federal offense, if the object of the attempt or conspiracy includes an offense that is a qualifying federal offense.

Regulatory Procedures

Regulatory Flexibility Act

The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities for the following reason: The regulation concerns the collection by federal agencies of DNA samples from certain offenders.

Executive Order 12866

This regulation has been drafted and reviewed in accordance with Executive Order 12866, ''Regulatory Planning and Review,'' section 1(b), Principles of Regulation. The Department of Justice has determined that this rule is a ''significant regulatory action'' under Executive Order 12866, section 3(f), and accordingly this rule has been reviewed by the Office of Management and Budget.

Executive Order 13132

This regulation 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. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12988

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996. 5 U.S.C. 804. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of the United States-based companies to compete with foreign-based companies in domestic and export markets.

List of Subjects in 28 CFR Part 28

Crime, Information, Law enforcement, Prisons, Prisoners, Records, Probation and parole.

For the reasons stated in the preamble, the Department of Justice proposes to amend 28 CFR chapter I by amending part 28 as follows:

PART 28—DNA IDENTIFICATION SYSTEM

1. The authority citation for part 28 is revised to read as follows:

Authority: 28 U.S.C. 509, 510; 42 U.S.C. 14132, 14135a, 14135b; 10 U.S.C. 1565; Pub. L. 106–546, 114 Stat. 2726; Pub. L. 107–56, 115 Stat. 272.

Subpart A—Qualifying Federal Offenses for Purposes of DNA Sample Collection

2. Revise § 28.2 to read as follows:

§ 28.2 Determination of offenses.

The following offenses shall be treated for purposes of section 3 of Public Law 106–546 as qualifying Federal offenses:

(a) Any offense under any of the following sections of title 18, United States Code: 32, 33, 34, 36, 37, 43(b), 81, 111, 112(a), 112(b) involving intimidation or threat, 113, 114, 115, 116, 175, 175b, 229, 231, 241 involving an offense punishable by imprisonment for any term of years or for life, 242 if a felony, 245, 247, 248 unless the offense involves only a nonviolent physical obstruction, 351, 372, 373, 593 involving force, threat, or intimidation, 594, 610 involving intimidation or threat, 751 if a felony, 752 if a felony, 753, 757, 758, 831, 842(d), (i), (m), (n), or (p), 844(d), (e), (f), (h), (i), (m), or (o), 871, 874 involving force or intimidation, 875 unless involving only a threat to injure reputation or to accuse a person of a crime, 876 unless involving only a threat to injure reputation or to accuse a person of a crime, 877 unless involving only a threat to injure reputation or to accuse a person of a crime, 878, 879, 892, 894, 922(a)(4), (7), or (8), 922(b)(4), 922(b)(5) involving sale or delivery of armor-piercing ammunition, 922(d), (g), (o), or (p), 924(c), (h), (j), (k), or (o), 929, 930(b) or (c), 956, 970(a), 1030(a)(1), 1030(a)(5)(A)(i) resulting in damage as defined in 1030(a)(5)(b)(ii) through (v), 1091, 1111, 1112, 1113, 1114, 1116, 1117, 1118, 1119, 1120, 1121, 1153 unless involving only a felony under section 661, 1201, 1203, 1204, 1361, 1362, 1363, 1364, 1365(a), (d), or (e), 1366, 1368, 1470, the second paragraph of 1501, 1503 involving threat or force, 1505 involving threat or force, 1509, 1512(a) , 1512(b) involving threat or force, 1513, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1651, 1652, 1653, 1655, 1659, 1661, 1751, 1791 involving a weapon, 1792, 1859, 1864 if a felony, 1951, 1952(a)(2), 1958, 1959, 1962 (b) or (c) involving a pattern of racketeering activity that includes any act or threat of murder, kidnapping, arson, robbery, or extortion or any act that otherwise constitutes a crime of violence under this rule, 1991, 1992, 1993, 2031 notwithstanding the repeal of that provision, 2032 notwithstanding the repeal of that provision, 2101, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2152 involving injury or destruction of property described in that section, 2153 involving injury or destruction of property described in that section or an attempt or conspiracy to do so, 2155, 2191, 2192, 2193, 2194 involving force or threat, 2231, 2232(a) or (b), 2233, 2241, 2242, 2243, 2244, 2245, 2251, 2251A, 2252, 2252A, 2260(a), 2260(c) involving a conspiracy or attempt to violate 2260(a), 2261, 2261A, 2262, 2272, 2273, 2274, 2275, 2276, 2280, 2281, 2332, 2332a, 2332b, 2339, 2339A, 2339B, 2340A, 2381 involving levying war against the United States, 2383, 2384, 2385, 2389, 2390, 2421, 2422, 2423, 2425, or 2441(c)(4).

(b) Any offense under any of the following sections of title 8, United States Code: 1324(a)(1)(B)(iv) or 1328.

(c) Any offense under any of the following sections of title 16, United States Code: 773g if the offense is a felony or involves a violation of 773e(a)(3), 1859 if the offense is a felony or involves a violation of 1857(1)(E), 2438 involving a violation of 2435(4), (5), or (6), 3637(c) if the offense is a felony or involves a violation of 3637(a)(3), or 5010(b) if the offense is a felony or involves a violation of 5009(6).

(d) Any offense under any of the following sections of title 21, United States Code: 461(c), 675, 841(d), 848(e), 858, or 1041(b).

(e) Any offense under any of the following sections of title 26, United States Code: 5861, 7212(a) involving force or threat, or 7212(b).

(f) Any offense under any of the following sections of title 42, United States Code: 1973gg–10(1), 2000e–13, 2283, 2284, 3631, or 9152(d) if the offense is a felony or involves a violation of 9151(3).

(g) Any offense under any of the following sections of title 49, United States Code: 46502, 46503, 46504, 46505, 46506(1) unless involving only an act that would violate section 661 or 662 of title 18 if committed in the special maritime and territorial jurisdiction of the United States, 46507 involving false information or a threat relating to the foregoing offenses, 60123(b), or 80501.

(h) Any offense under any of the following sections of the United States Code: section 2146(b) of title 7, section 1463 of title 30 if the offense is a felony or involves a violation of section 1461(4) of that title, section 1232(b)(2) of title 33, section 193f(a) or (b)(6) of title 40 or section 193h of that title involving a violation or attempted violation of section 193f(a) or (b)(6), section 1063 of title 43 involving force, threat, or intimidation, or section 606(b) of title 47.

(i) Any offense that is an attempt or conspiracy to commit any of the foregoing offenses, including any such attempt or conspiracy under section 371 of title 18, section 844(n) of title 18, or section 846 of title 21 of the United States Code.

Dated: March 6, 2003.

John Ashcroft,

Attorney General.

[FR Doc. 03–5861 Filed 3–10–03; 8:45 am]

BILLING CODE 4410–19–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[IN147–1b; FRL–7464–5]

Approval and Promulgation of State Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve the removal of State rules controlling fluoride emission limitations from existing primary aluminum plants as a revision to the plan for control of fluoride emissions from existing primary aluminum plants (plan) as requested by the State of Indiana on October 17, 2002, and January 22, 2003. Indiana has replaced this rule with another regulation which incorporates by reference current Federal requirements into the Indiana

Administrative Code. The rule being removed applies to a single source, Aluminum Company of America (ALCOA), located in Warrick County. Because ALCOA remains subject to more stringent Federal requirements, EPA approval should not result in an adverse impact on air quality.

In the ''Rules and Regulations'' section of this **Federal Register**, EPA is approving the State's request as a direct final rule without prior proposal because EPA views this action as noncontroversial and anticipates no adverse comments. The rationale for approval is set forth in the direct final rule. If EPA receives no written adverse comments, EPA will take no further action on this proposed rule. If EPA receives written adverse comment, we will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect. In that event, EPA will address all relevant public comments in a subsequent final rule based on this proposed rule. In either event, EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

DATES: Comments on this action must be received by April 10, 2003.

ADDRESSES: Written comments should be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), USEPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

A copy of the plan revision request is available for inspection at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (Please telephone Randolph Cano at (312) 886–6036 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Randolph Cano, Environmental Protection Specialist, Regulation Development Section, Air Programs Branch (AR–18J), USEPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6036.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' are used we mean the EPA.

I. What Action Is EPA Taking Today?

The EPA is proposing to approve the removal of State rules controlling fluoride emission limitations from existing primary aluminum plants as a revision to the plan for control of fluoride emissions from existing primary aluminum plants as requested by the State of Indiana on October 17, 2002, and as supplemented on January 22, 2003. The State submittal is in response to the repeal of these regulations from the Indiana Administrative Code (IAC). These rules have been superseded by other State rules which incorporate current Federal requirements into the IAC by reference. Because Federal requirements are federally enforceable, they need not be included in the State plan. The rule removed from the Indiana Plan applies to a single source, Aluminum Company of America (ALCOA) located in Warrick County. Because ALCOA remains subject to more stringent Federal requirements, Federal approval of this repeal should not result in an adverse impact on air quality.

II. Where Can I Find More Information About This Proposal and Corresponding Direct Final Rule?

For additional information see the direct final rule published in the rules and regulations section of this **Federal Register**.

Authority: 42 U.S.C. 4201 *et seq.*

Dated: February 27, 2003.

Bharat Mathur,

Acting Regional Administrator, Region 5.

[FR Doc. 03–5742 Filed 3–10–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[CA 216–0387; FRL–7459–2]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Large Municipal Waste Combustors; California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve the California State Plan for implementing the emissions guidelines applicable to existing large municipal waste combustor units. The plan was submitted by the California Air Resources Board for the State of California to satisfy requirements of sections 111(d) and 129 of the Clean Air Act. The submitted plan applies to large municipal waste combustor units located in the San Joaquin Valley Unified Air Pollution Control District and South Coast Air Quality Management District. We are taking comments on this proposal and intend to follow with a final action.

DATE: Any comments must arrive by April 10, 2003.

ADDRESSES: Mail comments to Andrew Steckel, Rulemaking Office Chief (AIR–4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, or e-mail to *steckel.andrew@epa.gov.*

You can inspect copies of the submitted State Plan and EPA's technical support document at our Region IX office during normal business hours. You may also see copies of the submitted State Plan at the following location: California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 ''I'' Street, Sacramento, CA 95814.

FOR FURTHER INFORMATION CONTACT: Mae Wang, EPA Region IX, (415) 947–4124.

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

Table of Contents

I. Background

A. Under What Authority Is EPA Proposing This Action?

Section 129 of the Clean Air Act, as amended in 1990 (CAA or the Act), requires EPA to develop regulations under section 111 to control air pollutant emissions from solid waste incineration units. Emissions from new municipal waste combustor (MWC) units are to be addressed by standards of performance for new sources (New Source Performance Standards or NSPS), and emissions from existing MWC units are to be addressed by guidelines (Emission Guidelines or EG). The Act requires that the MWC regulations reflect the maximum achievable control technology (MACT) and specifies that the emission standards for existing units in a category must be at least as stringent as the average emissions limitation achieved by the best performing 12 percent of units in the category (section 129(a)(2)).

This is commonly referred to as the ''MACT floor'' for existing MWC units. The Act requires that the EG for existing MWC units include MACT-based numerical emission limits for the following ten air pollutants: particulate matter (PM), opacity, sulfur dioxide (SO_2), hydrogen chloride (HCl), oxides of nitrogen (NO_X), carbon monoxide (CO), lead (Pb), cadmium (Cd), mercury (Hg), and dioxins/furans (see section 129(a)(4)). The EG must also include monitoring and reporting requirements and operator training requirements (§ 129(b)(1)).

On December 19, 1995, pursuant to sections 111 and 129 of the Act, EPA promulgated 40 CFR part 60, subpart Cb (Emission Guidelines and Compliance Schedules for Municipal Waste Combustors). *See* 60 FR 65387. The EG, contained in subpart Cb, apply to existing MWC units, defined as MWC units for which construction was commenced on or before September 20, 1994.

On April 8, 1997, the United States Court of Appeals for the District of Columbia Circuit vacated subpart Cb as it applies to MWC units with an individual capacity to combust less than or equal to 250 tons per day (tpd) of municipal solid waste (MSW) (small MWC units) and all cement kilns combusting MSW, consistent with their opinion in *Davis County Solid Waste Management and Recovery District* v. *EPA,* 101 F.3d 1395 (D.C. Cir. 1996), amended, 108 F.3d 1454 (D.C. Cir. 1997). As a result, on August 25, 1997, EPA amended subpart Cb to apply only to MWC units with an individual capacity to combust more than 250 tpd of MSW (large MWC units). *See* 62 FR 45116.

B. Why Did California Submit a State Plan?

Section 129(b)(2) of the Act requires States with existing MWC units subject to the EG to submit plans to EPA that implement and enforce the EG no later than one year after promulgation of the EG. Accordingly, State plans were due on December 19, 1996 (*See also* 40 CFR 60.39(b)). The court decision vacating the EG requirements for small MWC units and cement kilns did not affect the due date or the required content of State plans for large MWC units.[1] For existing large MWC units located in States that have not submitted an approvable plan within two (2) years of promulgation of the EG (*i.e.,* December 19, 1997), section 129(b)(3) of the Act requires EPA to adopt a Federal Plan to implement and enforce the EG. On November 12, 1998, EPA promulgated a Federal Plan for existing large MWC units not covered by an EPA-approved State plan, codified at 40 CFR part 62, subpart FFF. See 63 FR 63191. Any MWC units covered by a State plan submitted after December 19, 1997, are subject to the Federal Plan until EPA approves the State plan. California's State Plan (the Plan) was submitted by the California Air Resources Board (CARB) on September 23, 1998.

II. The State's Submittal

A. What Facilities Are Covered by the Plan?

According to CARB, there are only three facilities with existing large MWC units in the State. One of these facilities is located in the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD), and two facilities are located in South Coast Air Quality Management District (SCAQMD). Both air districts are using district operating permits, containing the requirements of the EG, as the enforceable mechanisms to implement the EG. The following table identifies the three MWC facilities (six large MWC units) covered by the State Plan and the corresponding permits issued by the districts. If there are additional MWC units that meet the applicability criteria of subpart Cb but are not identified in the State Plan inventory, then the Federal Plan would apply to them.

District/facility	Permit Nos.	Date of issue
SJVUAPCD: Stanislaus Resource Recovery Facility (2 units)	PTO N–2073–1–7	August 27, 2001.[c]
SCAQMD:		
Commerce Refuse to Energy Authority (1 unit)	PTO R–D96114 [a]	May 7, 1998.
	PTO R–D96066 [b]	May 7, 1998.
Southeast Resource Recovery Facility (3 units)	PTO R–D87714 [a]	May 19, 1998.
	PTO R–D87608 [b]	May 29, 1998.
	PTO R–D87716 [a]	May 19, 1998.
	PTO R–D87609 [b]	May 29, 1998.
	PTO R–D87717 [a]	May 19, 1998.
	PTO R–D87610 [b]	May 29, 1998.

[a] Resource recovery system permit
[b] Air pollution control system permit
[c] CARB's original State Plan submittal included PTO N–2073–1–2, issued on March 12, 1998. On May 2, 2002, CARB forwarded PTO N–2073–1–7, issued on August 27, 2001, to replace the expired PTO N–2073–1–2.

B. What is the Purpose of the Submitted Plan?

The California State Plan was submitted to satisfy the requirements of sections 111(d) and 129 of the Act, and to implement the EG contained in 40 CFR, part 60, subpart Cb. The Plan implements the emission limits established in the EG for organics (dioxins/furans), metals (cadmium (Cd), lead (Pb), mercury (Hg), particulate matter (PM), and opacity), acid gases (hydrogen chloride (HCl) and sulphur dioxide (SO_2)), nitrogen oxides (NO_X), and fugitive ash emissions. These pollutants can cause adverse effects to public health and the environment. The Plan also implements the EG requirements for MWC operating practices, which include requirements for carbon monoxide (CO) emissions, load, PM control device inlet flue gas temperature, and operator training/certification.

III. EPA's Evaluation and Action

A. How Is EPA Evaluating the Plan?

Under section 111(d) of the Act, EPA has established general procedures, codified at 40 CFR part 60, subpart B, that States must follow in adopting and submitting State plans. The following provides a brief discussion of the

[1] The vacatur of subpart Cb as it applies to small MWC units and cement kilns required EPA to reevaluate the emission limits for large MWC units. In the August 25, 1997, amendments to subpart Cb, EPA revised the emission limits for the following four pollutants: lead, hydrogen chloride, sulfur dioxide, and nitrogen oxides. Pursuant to section 129(b)(2) of the Act, State plans incorporating the revised limits were due on August 25, 1998. *See also* 40 CFR 60.39b(e).

requirements, found in subparts B and Cb, for an approvable State plan for existing large MWC units and EPA's review of the California State Plan with respect to those requirements. A detailed discussion of the Plan and EPA's evaluation can be found in the Technical Support Document (TSD) for the California Plan (February 2003).

1. Identification of Enforceable State Mechanism for Implementing the EG

Subpart B at 40 CFR 60.24(a) requires that the State plan include emissions standards, defined in 40 CFR 60.21(f) as "a legally enforceable regulation setting forth an allowable rate of emissions into the atmosphere, or prescribing equipment specifications for control of air pollution emissions." In the State of California, local air quality management and air pollution control districts (districts) have primary responsibility for control of stationary air pollution sources, such as MWC units. Therefore, each district with existing large MWC units is required to develop a regulation or other enforceable mechanism to implement the EG. The SJVUAPCD and SCAQMD are using district operating permits, containing the requirements of the EG, as the enforceable mechanisms. The conditions of these submitted permits will remain in effect as part of the State Plan until a revision to the Plan is approved. Expiration of a district operating permit, or revisions to permit conditions, will not automatically revise the State Plan. Any revisions to the Plan must be submitted to EPA for review and approval as a section 111(d)/129 state plan revision.

2. Demonstration of Legal Authority

Subpart B at 40 CFR 60.26 requires that the State plan demonstrate that the State has legal authority to adopt and implement the emission standards and compliance schedules contained in the plan. The State's Attorney General has certified that the State of California and the districts have sufficient legal authority to develop the State plan to implement the EG. In addition, the State's Attorney General has certified that the districts have the authority to modify existing district operating permits and incorporate the EG requirements. The State statutes providing such authority are contained in the California Health and Safety Code (H&SC).

3. Inventory of Existing MWCs in the State Affected by the State Plan

Subpart B at 40 CFR 60.25(a) requires that the State plan include a complete source inventory of all designated facilities regulated by the EG: existing MWC units (*i.e.*, those MWC units constructed prior to September 20, 1994) with the capacity to combust greater than 250 tpd of MSW (see 40 CFR 60.32b(a)). CARB has submitted an inventory of all existing large MWC units in California as part of the State Plan. These facilities were identified in the table shown in Section II.A of this document.

4. Inventory of Emissions From Existing MWCs in the State

Subpart B at 40 CFR 60.25(a) requires that the State plan include an emissions inventory that estimates emissions of the designated pollutant regulated by the EG: MWC emissions. For each affected MWC facility, the California State Plan contains information on estimated MWC emission rates (in tpy) for the nine regulated pollutants: dioxins/furans, Cd, Pb, Hg, PM, HCl, SO_2, NO_X, and CO. These estimated emission rates are based on stack test data and continuous emission monitoring data.

5. Emission Standards for MWCs

Subpart B at 40 CFR 60.24(c) specifies that the State plan must include emission standards that are no less stringent than the EG, and section 129(b)(2) of the Act requires that State plans be "at least as protective" as the EG. The district operating permits specify emission standards that are consistent with and "at least as protective" as those in Subpart Cb, as amended.

6. Compliance Schedules

Subpart B at 40 CFR 60.24(a) requires that the State plan include a compliance schedule that owners and operators of affected MWC units must meet in complying with the requirements of the plan. Subpart Cb at 40 CFR 60.39b requires that final compliance with the requirements of the EG be accomplished by no later than December 19, 2000.[2] For any compliance schedule extending more than 12 months beyond the date required for submittal of the State plan (December 19, 1996), 40 CFR 60.24(e)(1) requires that the compliance schedule include enforceable increments of progress toward compliance, as specified in 60.21(h)(1). The district operating permits establish interim and final compliance dates, as required by 60.24(e)(1) and 60.39(b). However, the SJVUAPCD permit for the Stanislaus Resource Recovery Facility does not require final compliance with all requirements of the EG by December 19, 2000. As discussed in the TSD, the Stanislaus facility is currently subject to the Federal Plan and should already be in compliance. Approval of the State Plan will not extend the compliance dates contained in the Federal Plan.

7. Testing, Monitoring, Recordkeeping and Reporting Requirements

Subpart Cb at 40 CFR 60.38b and 60.39b requires that the State plan contain applicable 40 CFR part 60, subpart Eb (MWC NSPS) requirements relating to performance testing, monitoring, reporting and recordkeeping. The district operating permits meet the requirements of 60.38b and 60.39b. However, as explained in the TSD, the SJVUAPCD permit contains language that is potentially confusing regarding the federal enforceability of certain conditions. EPA expects the facility to conduct annual tests in accordance with the district permit conditions and in accordance with 60.58b. Approval of the Plan does not relieve the facility from any testing requirements. Requirements contained in the State Plan become federally enforceable once the Plan is approved.

8. A Record of Public Hearings on the State Plan

Subpart B at 40 CFR 60.23 contains the requirements for public participation that must be met by the State in adopting a State plan. California fulfilled the public participation requirements for the State plan through separate district public participation and notification processes. CARB included documents in the Plan submittal demonstrating that the districts met the requirements by providing public notice of the Plan and the opportunity for public hearings on the Plan.[3]

9. Submittal of Annual State Progress Reports to EPA

Subpart B at 40 CFR 60.25(e) and (f) requires States to submit to EPA annual reports on the progress of plan enforcement. The first progress report must be submitted by the State one year after EPA approval of the State plan.

[2] As discussed in footnote 1, the amended subpart Cb contains revised emission limits for lead, hydrogen chloride, sulfur dioxide, and nitrogen oxides. 40 CFR 60.39b(f) requires compliance with these limits by no later than August 26, 2002. However, the Federal Plan requires compliance with the applicable revised limits by December 19, 2000.

[3] SJVUAPCD provided 30-day notice on March 16, 1998 of a public hearing held on April 16, 1998, on its portion of the State plan. SCAQMD provided public notice on February 19, 1998, of the opportunity for a public hearing to be held on March 26, 1998, if requested. SCAQMD did not hold a hearing because the district received no requests.

In summary, EPA finds that the California State Plan meets the requirements applicable to such plans in 40 CFR part 60, subparts B and Cb.

B. Does the Plan Meet the Evaluation Criteria?

We believe the Plan is consistent with the relevant policy and guidance regarding approval of CAA section 111(d)/129 State plans. The TSD describes in detail the discrepancies between the Plan and the EG regarding waivers, floating compliance dates, and testing requirements. EPA has determined that these discrepancies in the submitted Plan have limited impact because of the following reasons:

1. *Waivers:* The underlying federal conditions in the EG and Federal Plan will continue to apply in the case of waivers. EPA cannot delegate to districts the ability to approve waivers of load and temperature limits that are not in accordance with the purposes specified in 60.53b(b) and (c). Waivers of operator training course requirements must be approved by EPA, and as of this date, EPA Region 9 has not received any such requests.

2. *Floating compliance dates:* The final dates of compliance for the Stanislaus facility, as contained in the Federal Plan, have already passed and thus the facility should already be in compliance. Approval of the State Plan will not extend the compliance dates contained in the Federal Plan. The facility is subject to the Federal Plan until the State Plan approval becomes effective.

3. *Testing requirements:* The Stanislaus permit does contain the appropriate requirements for source testing, but it does not cite to the EG for these provisions. The permit contains language that is potentially confusing regarding federal enforceability of certain conditions. After a State incorporates a requirement in the State Plan and the State Plan is approved by EPA, the State requirement becomes federally enforceable.

C. EPA Recommendations To Further Improve the Plan

The TSD describes additional revisions that do not affect EPA's current action but are recommended for the next time the local agencies modify the facility permits.

D. Proposed Action

Based on the rationale discussed above and in further detail in the TSD, EPA is proposing approval of the State of California section 111(d)/129 plan for the control of emissions from existing large MWC units. Until the State Plan receives final approval, the sources covered by this plan will remain subject to the Federal Plan. The compliance schedules contained in the Federal Plan (40 CFR part 62, subpart FFF) will continue to apply to the Stanislaus Resource Recovery Facility. As provided by 40 CFR 60.28(c), any revisions to the California State Plan will not be considered part of the applicable plan until submitted by CARB in accordance with 40 CFR 60.28(a) or (b), as applicable, and until approved by EPA in accordance with 40 CFR part 60, subpart B. We will accept comments from the public on this proposal for the next 30 days. Unless we receive significant new information during the comment period, we intend to publish a final approval action that will make the State Plan requirements federally enforceable.

IV. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Aluminum, Fertilizers, Fluoride, Intergovernmental relations, Paper and paper products industry, Phosphate, Reporting and recordkeeping requirements, Sulfur oxides, Sulfuric acid plants, Waste treatment and disposal.

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

Dated: February 19, 2003.

Laura Yoshii,

Acting Regional Administrator, Region IX.

[FR Doc. 03–5748 Filed 3–10–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

[FRL–7464–4]

Ocean Dumping; Proposed De-designation of Sites and Proposed Designation of New Sites at the Mouth of the Columbia River, Oregon and Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA today proposes to de-designate four existing ocean dredged material disposal sites located off the mouth of the Columbia River near the states of Oregon and Washington, and to designate two new sites for the ocean disposal of dredged material. The two new sites are needed for long-term use by authorized Columbia River navigation projects and may be available for use by others meeting the criteria for ocean dumping of dredged material. The designation of new ocean disposal sites by EPA is necessary to provide acceptable sites for current and future dredged material disposal needs. The proposed site designations will be for an indefinite period of time. The sites will be subject to continuing monitoring and management to ensure that unacceptable, adverse environmental impacts do not occur. The de-designation of existing sites is necessary to discontinue the use of designated sites where the impact of disposal has resulted in changed site conditions.

DATES: Comments must be received on or before April 25, 2003.

ADDRESSES: Written comments on this proposed rule should be sent on or before 5 p.m. of the 45th day from the date of this publication in the **Federal Register** to: John Malek, Dredging and Ocean Dumping Coordinator, EPA Region 10, 1200 Sixth Avenue, ECO–083, Seattle, WA 98101–1128.

The file supporting these proposed designations and de-designations is available for inspection at the following locations:

EPA Region 10, 1200 Sixth Avenue, Seattle, Washington 98101.

U.S. Army Corps of Engineers, Northwestern Division, U.S. Customs House, 220 Northwest Eighth, Portland, Oregon.

U.S. Army Corps of Engineers, Portland District, Robert Duncan Plaza, 333 S.W. First Avenue, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: John Malek, Ocean Dumping Coordinator, U.S. Environmental Protection Agency, Region X (ECO–083), 1200 Sixth Avenue, Seattle, WA 98101–1128, telephone (206) 553–1286, e-mail: *malek.john@epa.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

Section 102(c) of the Marine Protection, Research, and Sanctuaries Act (MPRSA) of 1972, as amended, 33 U.S.C. 1401, *et seq.*, gives the Administrator of EPA the authority to designate sites where ocean disposal, also referred to interchangeably as ocean dumping, may be permitted. On December 23, 1986, the Administrator delegated the authority to designate ocean disposal sites to the Regional Administrator of the Region in which the site is located. The proposed site designations and de-designations, located at the mouth of the Columbia River, are within Region 10 and these actions are being taken pursuant to the Regional Administrator's delegated authority.

The EPA Ocean Dumping Regulations promulgated under the MPRSA require, among other things, that ocean dumping sites be designated by promulgation in 40 CFR part 228. *See* 40 CFR 228.4. Designated ocean dumping sites are codified at 40 CFR 228.14 and 228.15. A total of four ocean dumping sites (Site A, Site B, Site E, and Site F) off of the mouth of the Columbia River were designated in August 1986 (51 FR 29923) (Figure 1) to be used as disposal sites for dredged materials from Columbia River navigation projects. Sites A, B and F have, over time, proven to be inadequate to handle long term disposal of dredged material from the Columbia River navigation projects without the creation of adverse wave conditions at the disposal sites. This rule proposes to de-designate Sites A, B and F. Site E, because its size as currently designated inhibits the ability to minimize interference with other activities in the marine environment, needs to be modified to allow for changed circumstances concerning the use of the site. This rule proposes to designate a new site, the Shallow Water site, which incorporates the 1986-designated Site E but appreciably expands it to provide sufficient space to spread dredged materials so as to avoid the creation of conditions that would interfere with navigation safety. Dredged material disposed of at the proposed site is expected to contribute material to the littoral zone. This rule also proposes a completely new site, the Deep Water site, which would be located approximately 4.5 to 6 nautical miles from the mouth of the Columbia River off the State of Oregon. The Deep Water site would provide capacity for dredged materials from Columbia River navigation projects that cannot be accommodated in the nearshore zone. The Deep Water site would also be available for use by the United States Army Corps of Engineers (Corps) when storm events preclude the use of nearshore disposal locations. In inclement weather, conditions nearer the shore and the nearer to the jetties (*i.e.*, at the Shallow Water and North Jetty sites) are more dangerous than conditions at the Deep Water site. Visibility is impaired and winds and currents can broadside a vessel and push it into shallow water at the North Jetty and Peacock Spit, or onto the jetty itself. Waves also can build up in shallow water and between the jetties during an ebb tide during which time navigation across the entrance bar can be closed by the United States Coast Guard.

The availability of ocean dredged materials disposal sites (ODMDSs) in the vicinity of the mouth of the Columbia River is necessary to provide disposal options for the Corps to maintain deep-draft, international commerce and navigation through authorized federal navigation channels. Three of the existing ODMDSs designated in 1986, Sites A, B and F, have experienced mounding, generating a potentially hazardous navigation safety condition. The developing mounds at Sites A, B, and F threatened to create hazardous conditions for large ships and small craft due to waves refracting from and breaking over the mounds. Commercial shippers, crab fishermen, and the U.S. Coast Guard expressed concern over this situation to both the Corps and EPA. Efforts were undertaken by the federal government to temporarily expand the existing sites in 1993 and 1997 and to manage distribution of the dredged material within the available site capacities while seeking a more permanent management solution. Circumstances at sites A, B and F necessitate de-designation of the sites so that no further use is made of them. Conditions at site E are changed such that modification of the site to withdraw designation of its current configuration to allow for a permanent expansion to a larger site, the Shallow Water site, is proposed. Designating the Shallow Water site and a new Deep Water site is part of the permanent management solution for handling dredged materials from Columbia River navigation projects. These designations are being proposed in accordance with Sec.

228.4(e) of the Ocean Dumping Regulations, which allow EPA to designate ocean disposal sites for dredged materials.

B. Regulated Entities

Entities potentially regulated by the proposed rule are persons, organizations, or government bodies seeking to dispose of dredged material in ocean waters at the Mouth of the Columbia River ODMDS, under the MPRSA, 33 U.S.C. 1413, and its implementing regulations. This proposed rule is expected to be primarily of relevance to parties near the Mouth of the Columbia River seeking permits from the Corps to transport dredged material for the purpose of disposal into ocean waters at the MCR ODMDS, as well as the Corps itself. Potentially regulated categories and entities who may seek to use the proposed new ODMDS and would be subject to this Rule may include:

Category	Examples of potentially regulated entities
Federal Government	U.S. Army Corps of Engineers Civil Works Projects, Other Federal Agencies.
Industry and General Public	Port Authorities, Marinas and Harbors, Shipyards and Marine Repair Facilities, Berth Owners.
State, local and tribal governments	Governments owning and/or responsible for ports, harbors, and /or berths, Government agencies requiring disposal of dredged material associated with public works projects.

This table lists the types of entities that could potentially be regulated should the proposed rule become a final rule. EPA notes that nothing in this proposed rule alters the jurisdiction or authority of EPA or the types of entities regulated under the MPRSA. Questions regarding the applicability of this proposed rule to a particular entity should be directed to the contact person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section. EPA anticipates that the Corps will be the primary, if not the only, user of the proposed ODMDS which are the subject of this rule.

C. Evaluation of Alternatives To Propose as New ODMDSs Through Voluntary EIS Development

Section 102 of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*, (NEPA) requires that Federal agencies prepare an Environmental Impact Statement (EIS) on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The object of NEPA is to build into agency decision-making processes careful consideration of all environmental aspects of proposed actions. While NEPA does not apply to EPA activities in designating ocean disposal sites under the MPRSA, EPA voluntarily prepared a joint EIS with the Corps. (See 63 FR 58045 (October 29, 1998), ''Notice of Policy and Procedures for Voluntary Preparation of National Environmental Policy Act (NEPA) Documents.'') The *Integrated Feasibility Report and Environmental Impact Statement for Columbia River Channel Improvements,* dated August 1999 (Final IFR/EIS, 1999), considered the environmental aspects of new ODMDS site designations and improvements to the Mouth of the Columbia River (MCR) Project and the Columbia River navigation channel. The Final IFR/EIS (1999) resulted in selection of preferred alternative sites to propose for designation (see below). EPA also voluntarily joined with the Corps to prepare a Supplement to the Final IFR/EIS (SEIS) that was released in 2003. The SEIS addressed proposed changes in the Corp's Columbia River navigation channel improvements project, which could reduce the volume of material going to the ocean for that project, and describes ocean surveys conducted by the Corps and EPA since the Final IFR/EIS. These voluntary analyses have been beneficial in improving coordination with the Corps on related Columbia River navigation issues and in expanding public involvement on issues related to the siting and management of new ODMDS.

The federally authorized navigation projects for the Columbia River include maintenance of the MCR project (*Final Environmental Impact Statement, Navigation Channel Improvements, Columbia River at the Mouth, Oregon and Washington,* dated 1983), maintenance of the existing 40-foot navigation channel (*Final Dredged Material Management Plan and Supplemental Environmental Impact Statement,* dated 1998), and the potential construction and maintenance of the proposed navigation channel improvements as described in the Final IFR/EIS (1999). The navigation channel improvements project has been authorized and funded by the Congress.

The voluntary NEPA process followed by the EPA generally conformed to the guidelines developed by a joint task force of EPA and Corps personnel, the *General Approach to Designation Studies for Ocean Dredged Material Disposal Sites* (1984). A hierarchical framework that initially established the broadest economically and operationally feasible area of consideration for site location was utilized. A step-by-step sequence of activities was then conducted to screen possible sites. Evaluation of alternative sites (candidate sites) was based on factors such as the sensitivity and value of critical resources or uses at risk, and potential for unreasonable adverse impact presented by the dredged material to be disposed. The site-designation criteria, 40 CFR 228.5 and 228.6, were applied to the information assembled in this process, and sites were selected for consideration as preferred alternatives.

The process was structured into three major phases. Phase I included the delineation of the general area under consideration for locating a site and the identification and collection of the necessary information on critical resources, uses and physical and environmental parameters for the areas under consideration. After considering a reasonable distance of haul (the physical distance from the point an operating dredge picks up a load of material to the point where the material is disposed), a preliminary analysis, based on available data, was applied to identify and map areas of critical resources as well as areas of incompatibility for use as a disposal site. Such critical areas and resources included clustered areas of geographically limited habitats, fisheries and shellfisheries, navigation lanes, beaches, and marine sanctuaries. Phase II involved the elimination of sensitive and incompatible areas, the determination of additional data needs, and identification of candidate sites within the area based on the information collected and processed in Phase I. In Phase III the candidate sites were evaluated and sites were selected as preferred alternatives to propose for site designation. Management strategies were developed for the sites selected as preferred alternatives.

To provide input to the process, the Corps and EPA convened a facilitated Ocean Disposal Site Designation Working Group (Working Group). The purpose of the Working Group was to assist in identifying and evaluating the best long-term ocean option for the MCR and the existing Columbia River channel and proposed channel improvements projects. Representatives from state, local, and federal agencies participated in the Working Group as well as individuals representing the crab fishing industry and other interests. The Working Group assembled for a series of eight meetings between July 1997 and August 1998 and provided information for EPA and the Corps to consider in evaluating preferred alternative ODMDS. The Corps and EPA considered the information gathered by the Working Group, as well as new information gathered during the 5-year feasibility study for channel improvements, and historical information to identify three proposed sites in the Draft IFR/EIS (1998). The configurations of the sites included relatively shallow, high-energy areas deemed well-suited for active sediment movement away from deposition areas and back into coastal beach zones.

Numerous comments were received on the Draft IFR/EIS and the Corps and EPA sought additional input from the Working Group in meetings to discuss further refinements to the alternative site locations. Further discussion and meetings led to an evaluation for designation of a single shallow-water site and a single deep-water site to be used and managed in conjunction with a Clean Water Act Section 404 disposal site (North Jetty) in the area of the mouth of the Columbia River (Figure 2). These discussions were factored into the NEPA process. The NEPA process led to the current proposal that the four ODMDS sites designated in 1986 be proposed for de-designation and that the Shallow Water site and the Deep Water site be proposed for designation.

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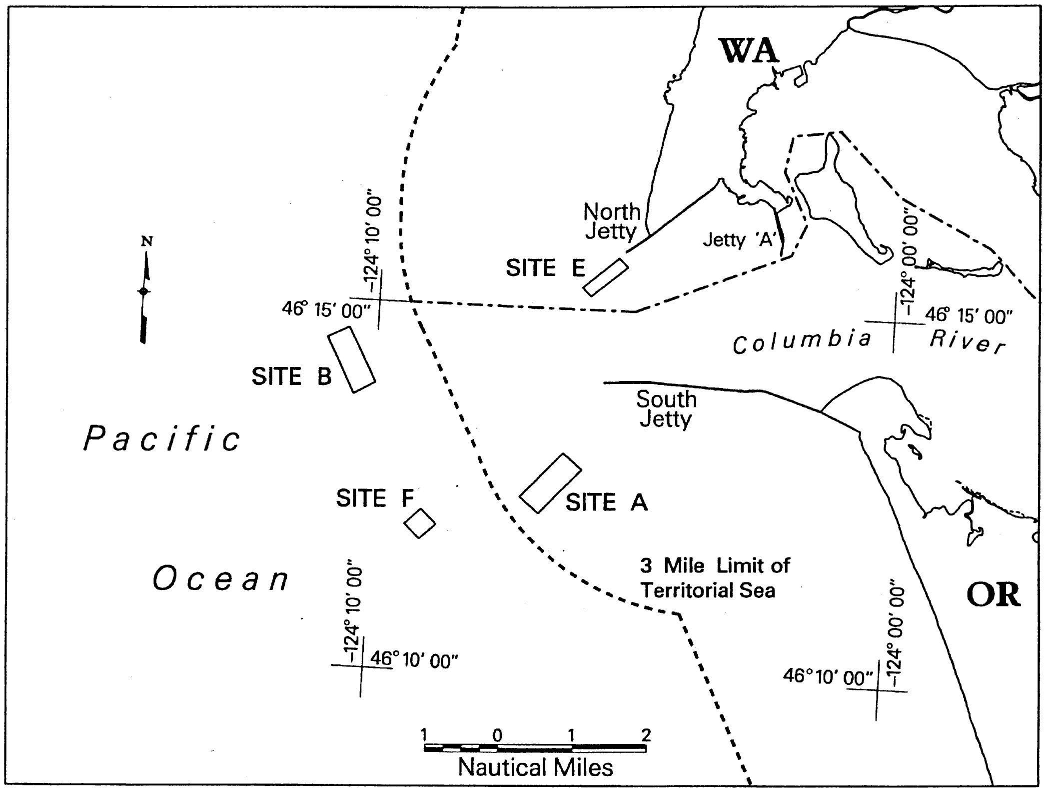

Figure 1: Currently Designated Ocean Dredged Material Disposal Sites Proposed for De-Designation.

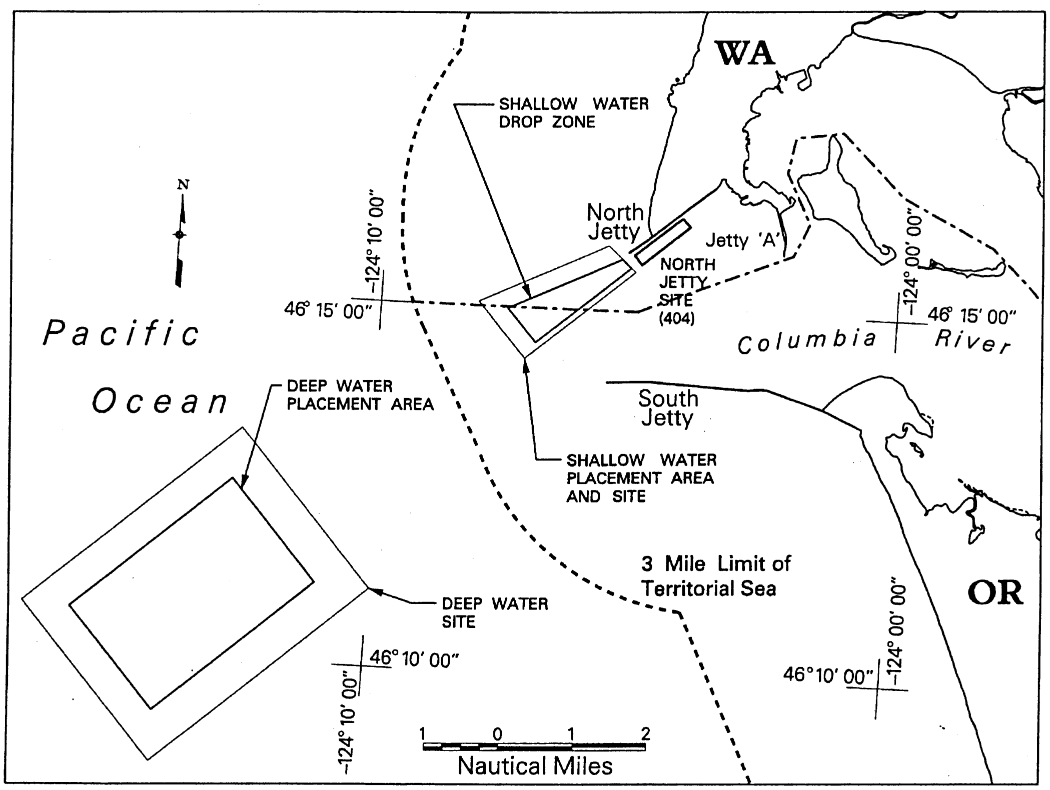

Figure 2: Ocean Dredged Material Disposal Sites Proposed for Designation.

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D. Proposed De-Designated Sites

Modification in ODMDS use is governed by the Ocean Dumping Regulations at 40 CFR 228.11. Modifications which involve the withdrawal of designated sites from use are made through the promulgation of an amendment to the disposal site designation based on an evaluation of disposal impacts or upon changed circumstances concerning the use of the site. 40 CFR 228.11(a). By 1992, developing mounds created as a result of disposal actions at designated Sites A and B threatened to create hazardous conditions for large and small craft due to waves refracting from and breaking over and around the mounds. Discussions between EPA and the Corps concluded that an interim solution was needed that would allow the Columbia River federal navigation channel to remain open while studies were conducted to ascertain the extent of the problem, to develop and evaluate alternative solutions, and to prepare a longer term response. An interim plan was created, described in an environmental assessment (EA), supporting the temporary expansion of Sites A, B, and F under the Corps' Section 103 MPRSA authority while the Corps and EPA investigated a more permanent solution. In addition, EPA initiated a rulemaking process to modify the three sites and Site E to change the management at each site to restrict site use under Section 102 authority. A proposed rule was published in the **Federal Register** on September 21, 1992, at which time EPA stated: ''While the current situation does not constitute an imminent hazard to life and property which would warrant an emergency response, EPA and the Corps are in agreement that prudent management action is required now in order to prevent such a situation from developing.'' (57 FR 43428, September 21, 1992). EPA did not publish a final rule as changing conditions and new information regarding the sites indicated the need for further study and evaluation. Sites A, B, and F were temporarily expanded using Section 103 effective June 1, 1993, with EPA concurrence.

By 1995, Corps and EPA monitoring of disposal at the expanded Site F confirmed the agencies' suspicions that the site did not possess the capacity hoped for and possibly created new navigation conflicts with ocean vessel traffic. In addition, existing mounds at Sites A and B remained relatively stable rather than continuing to erode. Through 1996, EPA and the Corps re-evaluated the 1992 plan and ultimately developed a new approach that was presented in a 1997 EA. The new approach supported maximizing disposals at an Expanded Site E and a further expansion of Site B. The Corps temporarily expanded Site E and Site B under Section 103 MPRSA authority on June 19, 1997, with the concurrence of EPA. These expansions were immediately challenged by the Columbia River Crab Fishing Association (CRCFA) in a lawsuit which enjoined the use of Expanded Site B and resulted in a settlement agreement in 1998 disallowing the use of Expanded Site B and temporarily limiting the use of Expanded Site E. The limitation of use at Expanded Site E was based on CRCFA concerns that late summer disposal impacted ''soft-shelled'' crab (*i.e.*, individuals that had molted their old shell and were buried up while the new shell hardens) in the westernmost third of the expanded site.

EPA observes that past activities at Sites A, B, and F place the sites in Impact Category II (40 CFR 228.10(c)(2) effects not categorized in impact category I). The size of the three sites renders impracticable the option of continuing even limited use of Sites A, B, and F and permanent expansion of the sites generates problems in terms of adverse wave conditions and conflicts with marine traffic. The determination of whether to terminate the use of a disposal site is based on the impact of disposal at the site itself and the Criteria for the management of disposal sites for ocean dumping. 40 CFR 228.11(d). Based on these factors, EPA proposes to de-designate Sites A, B, and F. Site E is proposed for modification through a de-designation of the existing site and a proposed designation of a new site, the Shallow Water site, which incorporates the existing site into a larger footprint. Site E is also placed in Impact Category II (other) based on its limited size, but not based on adverse wave conditions resulting from disposal or on conflicts with marine traffic.

The coordinates (North American Datum 1927: NAD 27) of the three existing EPA-designated sites proposed for de-designation (Figure 1) are as follows:

Site A

Corner Coordinates

46°13′03″ N, 124°06′17″ W
46°12′50″ N, 124°05′55″ W
46°12′13″ N, 124°06′43″ W
46°12′26″ N, 124°07′05″ W

Site B

Corner Coordinates

46°14′37″ N, 124°10′34″ W
46°13′53″ N, 124°10′01″ W
46°13′43″ N, 124°10′26″ W
46°14′28″ N, 124°10′59″ W

Site F

Corner Coordinates

46°12′12″ N, 124°09′00″ W
46°12′00″ N, 124°08′42″ W
46°11′48″ N, 124°09′00″ W
46°12′00″ N, 124°09′18″ W

The coordinates (NAD 27) of the one existing EPA-designated site proposed for modification through new designation is as follows:

Site E

Corner Coordinates

46°15′43″ N, 124°05′21″ W
46°15′36″ N, 124°05′11″ W
46°15′11″ N, 124°05′53″ W
46°15′18″ N, 124°06′03″ W

E. Proposed Sites Descriptions

Two sites, the Deep Water and Shallow Water sites, are proposed for designation (Figure 2). A draft Site Management and Monitoring Plan (SMMP) has been prepared for the two proposed ODMDS sites and is available for review and comment by the public. (Copies may be obtained by request from the FURTHER INFORMATION CONTACT listed in the introductory section to this proposed rule.) Use of newly-designated ODMDS would be subject to any restrictions included in the approved SMMP. Use restrictions will be based on a thorough evaluation of the proposed sites pursuant to the Ocean Dumping Regulations and potential disposal activity as well as consideration of public review and comment.

Deep Water Site. The proposed Deep Water site is a non-dispersive site (material placed at the site remains at the site) which consists of an inner ''Placement Area'' and a surrounding buffer. The overall site (Placement Area and buffer) has a rectangular dimension of 17,000 feet by 23,000 feet and occupies approximately 8,976 acres or 10.5 square nautical miles (sq nmi). The Placement Area (the inner box) has a rectangular dimension of 11,000 feet by 17,000 feet, occupying an area of approximately 4,293 acres or 5.0 sq nmi, which is surrounded by a 3,000-foot buffer zone. Direct disposal of dredged material would be allowed only within the Placement Area using ''Drop Zones'' specified in a SMMP. Material placed at the Deep Water site is expected to remain on site, eventually creating a fairly uniform mound approximately 40 feet in height. The coordinates (North American Datum 1983: NAD 83), dimensions, and depth of water of the proposed Section 102 site are as follows:

DEEP WATER DISPOSAL SITE (INCLUDING BUFFER)

Corner coordinates	Dimensions
46°11′03.03″ N, 124°10′01.30″ W 46°13′09.78″ N, 124°12′39.67″ W 46°10′40.88″ N, 124°16′46.48″ W 46°08′34.22″ N, 124°14′08.07″ W	17,000 feet wide by 23,000 feet long. Depth 180 feet to 310 feet. Buffer 3,000 feet wide.

DEEP WATER PLACEMENT AREA

Corner coordinates	Dimensions
46°11′06.00″ N, 124°11′05.99″ W 46°12′28.01″ N, 124°12′48.48″ W 46°10′37.96″ N, 124°15′50.91″ W 46°09′15.99″N, 124°14′08.40″ W	11,000 feet wide by 17,000 feet long. Depth 190 feet to 290 feet. [Surrounded by 3,000 ft-wide buffer].

Shallow Water site. The proposed Shallow Water site is a dispersive site (material placed at the site leaves the site) and consists of a Placement Area on the sea bottom and a smaller, specified ''Drop Zone'' for dredged material disposal. Because the proposed site is dispersive, no buffer zone is specified for the Shallow Water site. The proposed Shallow Water site integrates the existing designated Site E, and expands the width and length of the site as described below. The Shallow Water Drop Zone is proposed to occupy the same location, with the same dimensions, as Expanded Site E and occupies approximately 531 acres or 0.626 sq nmi. The overall site and Placement Area occupies approximately 1,198 acres or 1.4 sq nmi. Site monitoring since 1997 demonstrated that material released within the boundaries of ''Expanded Site E'' temporarily deposited on the sea bottom as a truncated mound that was larger than the release area. While some of the placed material was dispersed out of the site and into the littoral system during direct disposal, the majority was eroded away to the north and northwest following the summer dredging season by the stronger winter waves and currents. Material placed at the Shallow Water site is expected to be transported out of the site during and following the dredging season and dispersed by natural ocean forces to the north and northwest and augment the littoral system. The coordinates (NAD 83), dimensions, and depth of water of the proposed Section 102 site are as follows:

SHALLOW WATER PLACEMENT AREA AND DISPOSAL SITE

Corner coordinates	Dimensions
46°15′31.64″ N, 124°05′09.72″ W 46°14′17.66″ N, 124°07′14.54″ W 46°15′02.87″ N, 124°08′11.47″ W 46°15′52.77″ N, 124°05′42.92″ W	3,100 to 5,600 feet width by 11,500 feet long. Azimuth (long axis): 229° T. Depth: 45 feet to 75 feet. No Buffer.

SHALLOW WATER DROP ZONE

Corner coordinates	Dimensions
46°15′35.36″ N, 124°05′15.55″ W 46°14′31.07″ N, 124°07′03.25″ W 46°14′58.83″ N, 124°07′36.89″ W 46°15′42.38″ N, 124°05′26.55″ W	1,054 feet to 3,600 feet width by 10,000 feet long. Depth 45 feet to 75 feet.

F. Analysis of Criteria Pursuant to the Ocean Dumping Act Regulatory Requirements

Five general regulatory criteria are used in the selection and approval of ocean disposal sites for continuing use. *See* 40 CFR 228.5. Sites are selected so as to: minimize interference with other marine activities; keep temporary perturbations in water quality or other environmental conditions during initial mixing caused by disposal operations anywhere within the site to be reduced to normal or undetectable concentrations or effects before reaching beaches, shorelines, marine sanctuaries or known geographically limited fisheries or shellfisheries; terminate use as soon as a suitable alternate site can be designated if at any time disposal operations at a site cause unacceptable adverse impacts; limit the size of the site to localize for identification and to control any immediate adverse impacts and permit the implementation of effective monitoring and surveillance to prevent adverse long-range impacts; and wherever feasible to designate sites beyond the edge of the continental shelf and other such sites that have been historically used. Eleven specific criteria are used in evaluating a proposed disposal site to assure that the general criteria are met. *See* 40 CFR 228.6. The evaluations of the general and specific criteria, provided below, are based on information published in the 1983 and 1999 EISs and the 2003 Final SEIS, Corps and EPA Environmental Assessments for 103 Site expansions in 1993 and 1997, monitoring studies, data provided by fishery industry groups, crab data collected and evaluated by the Corps and EPA as part of the EIS and SEIS processes, a report produced by the Corps in studying potential wave-related effects at the proposed Shallow

Water site, and supporting documentation.

General Criteria (40 CFR 228.5)

1. Minimal Interference With Other Activities

The first of the five general criteria requires that a determination be made as to whether the site or its use will minimize interference with other uses of the marine environment. For this proposed rule, a determination was made to overlay individual uses and resources presented in the technical exhibits to the EIS and SEIS onto a base map containing the bathymetry and location of the proposed disposal sites. For purposes of assessing this criterion, EPA assumed that the more interactions between various uses and limited resources, the more critical the area's potential for interference. The overlay process was used to visually determine where maximum and minimum interferences with other uses of the marine environment could be expected to occur. The Shallow Water site and Deep Water site viewed against this criterion showed minimum interference with other activities. Both proposed sites avoid areas intensively utilized by the Dungeness crab fishery.

2. Minimize Changes in Water Quality

The second of the five general criteria requires that locations and boundaries of disposal sites be selected so that temporary changes in water quality or other environmental conditions during initial mixing caused by disposal operations anywhere within a site can be expected to be reduced to normal ambient seawater levels or to undetectable contaminant concentrations or effects before reaching beaches, shorelines, sanctuaries, or geographically-limited fisheries or shellfisheries. The proposed sites will be used for dredged material disposal of suitable sediments as determined by application of national and regional testing protocols (*e.g.*, then-current *Dredged Material Evaluation Framework).* No significant contaminant or suspended solids releases are expected. Based on previous sediment testing and evaluations at the MCR by the Corps and EPA, disposal of either sandy or fine-grained material would not have any long-term impact on the water quality. No water quality perturbations will occur that could reach any beach, shoreline, marine sanctuary, or known geographically-limited fishery or shellfishery. Bottom movement of material deposited at the Shallow Water site is generally expected to show a net alongshore movement and will contribute to the existing littoral system. Material deposited at the Deep Water site is expected to stay in the Placement Area.

3. Interim Sites Which Do Not Meet Criteria

There are no interim sites to be considered under this criterion. Sites A, B, E, and F were designated on a final basis in 1986. The proposed Shallow Water and Deep Water sites are not interim sites as defined under the Ocean Dumping regulations.

4. Size of Sites

The fourth general criterion requires that the sizes of ocean disposal sites be limited to localize for identification and control any immediate adverse impacts and to permit the implementation of effective monitoring and surveillance programs to prevent adverse long-range impacts. Size, configuration and location is to be determined as part of the disposal site evaluation or designation study. For this proposed rule, the IFR/EIS and SEIS were relied upon to determine size, configuration and location of the ODMDS to propose. The proposed Shallow Water and Deep Water sites have been sized to provide sufficient capacity to accommodate material dredged from the MCR federal project as well as future material from the improved Columbia River navigational channel. The sizing of the proposed sites has factored in the ability to implement effective monitoring and surveillance programs, among other things, to prevent mounding of dredged material which could result in adverse wave conditions as has been experienced at the originally designated sites and to ensure that navigational safety will not be compromised. Bathymetric surveys are planned as an important component of the SMMP. The results will be used to document the fate of the dredged material and provide information for management in the future to prevent adverse long-range impacts.

5. Sites Off the Continental Shelf

The fifth general criterion requires EPA, wherever feasible, to designate ocean dumping sites beyond the edge of the continental shelf and other such sites that have historically used. Potential disposal areas located off the continental shelf are at least 20 nautical miles offshore in water depths of 600 feet or greater, with the exception of the Astoria Canyon, which is 11 nautical miles offshore. The haul distance to an ''off-shelf'' disposal site is much greater than the 4.5 nautical mile average operational limit of the MCR project, making an off-shelf site not feasible for maintenance of the MCR project. The proposed Shallow Water site, if designated, will encompass the footprint of the historically used Site E, however, continued disposal in this area is desirable because the dredged materials are place into the nearshore littoral transport system, a system that functions with largely non-renewable quantities of sand in Oregon and Washington.

Specific Criteria (40 CFR 228.6)

1. Geographical Position, Depth of Water, Bottom Topography, and Distance From the Coast

The proposed Shallow Water site would incorporate and appreciably expand the existing EPA-designated Site E and would include the Corps' 1997 selected Section 103 ''Expanded Site E.'' The site is located off the end of the North Jetty and would be 11,500 feet long and expand in width from 3,100 feet to 5,600 feet wide, encompassing a total area of 1,198 acres. The proposed site is located to the north of the Columbia River channel. The bottom topography slopes from the north to the south along the south side of Peacock Spit. Water depths in the proposed site range from 45 to 75 feet. Material placed at the Shallow Water site is expected to erode out, move north and northwest, and feed Peacock Spit.

The proposed Deep Water site would be located about 4.5 miles west of the entrance to the Columbia River navigation channel and extend westerly to about 7 miles west of the entrance. The bottom topography is featureless and gently slopes away from shore. Water depths at the proposed site range from about 180 feet to about 310 feet. Overall site dimensions proposed are 17,000 feet by 23,000 feet as an outer boundary (the Disposal Site including Buffer), that consists of an inner rectangle that measures 11,000 feet by 17,000 feet (the Placement Area) and which is surrounded on all sides by a 3,000-foot Buffer. The proposed site would encompass a total of 8,976 acres or 10.5 sq nmi. Disposal of dredged material would only be allowed within the inner rectangle (Placement Area), which has a total area of 4,293 acres or 5.0 sq nmi. EPA anticipates that material placed at this site would raise a stable mound approximately 40 feet high over the estimated 50 ± year life of the site. No direct disposal of dredged material would be allowed anywhere in the Buffer; however, dredged material sloughing off the developing mound or drifting during placement may extend into the Buffer zone. The Buffer zone will also serve as the ''reference area'' for site monitoring.

2. Location in Relation to Breeding, Spawning, Nursery, Feeding, or Passage Areas in Adult and Juvenile Phases

Many open-ocean nearshore organisms occur in the water column over the proposed Shallow Water site. These organisms include zooplankton (copepods, euphausiids, pteropods, and chaetognaths) and meroplankton (fish, crab and other invertebrate larvae). These organisms display a normal range of change in abundance by season. The populations at or near the proposed Shallow Water site are not unique to the proposed site. They are present over most of the coast. Overall coastal populations are not dependent on those located near the MCR. Based on zooplankton and larval fish studies, it appears that there will be no impacts to organisms in the water column.

Offshore areas (beyond the 200-foot depth contour) including the proposed Deep Water site, have consistently higher densities and numbers of benthic species (diversity) than nearshore shallower areas such as the proposed Shallow Water site. Therefore, placement of dredged material in the Deep Water site would be expected to have a greater impact to the benthic infaunal community than placement of dredged material in nearshore locations.

The proposed sites are located in an area off the mouth of the Columbia River which supports a variety of pelagic and demersal fish species as well as shellfish including Dungeness crab. Pelagic species include anadromous salmon, steelhead, cutthroat trout, striped bass, lamprey, smelt, herring, sturgeon, and shad that migrate through the estuary to upriver spawning areas. Juveniles of these species are present in the area following their migration out of the river or estuary into the ocean. Some remain in the nearshore area for various periods of time feeding and rearing, while others move directly offshore. Other pelagic species include the Pacific herring, anchovy, surf smelt, and sea perch. Surf smelt are in nearshore areas and in the estuary in large numbers during the summer. Demersal species present in the nearshore area include juvenile flatfish which rear in the area. Resident species occur in the offshore area throughout the year with many using the estuary as a rearing and nursery area. Species present include various flatfish, rockfish and other demersal fish.

Potentially, 30 cetacean species can occur along the coast although their numbers are generally limited. Harbor porpoises and gray whales are prevalent in shelf waters less than 600 feet deep. The larger cetaceans (whales) typically occur as migrants in the spring and fall, such as the California gray whale. Smaller cetaceans, principally dolphins, porpoises, and some small whales are also present. Five species of pinnipeds are known to occur along the coast: northern sea lion, California sea lion, harbor seal, northern elephant seal and northern fur seal. Harbor seals are resident whereas the four other species of pinnipeds are more transient in nature. Harbor seals and California/northern sea lions are the principal species observed in the estuary. All three species are known to forage within the estuary and adjacent ocean waters.

Four species of marine turtles (loggerhead, green, Pacific ridley, and Pacific leatherback) have been recorded from strandings along the coastline since 1982. Marine turtles are unusual in their occurrence along the Pacific Coast as they are typically associated with warmer marine waters.

Pelagic birds are extremely numerous in the offshore area. Studies have found that seabird populations were most densely concentrated over the continental shelf (less than 600 feet in depth). Shearwaters, storm petrels, gulls, common murres and Cassin's auklets numerically dominated the pelagic bird fauna from late spring through late summer. Phalaropes, fulmars, and California gulls are important constituents of the fall pelagic bird flocks. The principal species in the winter are phaloropes, California gulls, fulmars, other gulls, murres, auklets, and kittiwakes. Red-throated, Pacific and common loons occur as spring and fall migrants. Western, red-necked, horned, and eared grebes also occur in the area. Brown pelicans occur from late spring to mid-fall along the coast. This species forages in nearshore waters of the Pacific Ocean and estuarine waters of the Columbia River. Concentrations of up to 1,000 birds have been reported. Three species of cormorants and three species of terns occur and forage in nearshore Pacific Ocean waters and the estuary.

The federally listed threatened and endangered species which may occur within the area of the proposed sites include: listed salmon and steelhead stocks; blue, finback, sei, right, humpbacked and sperm whales; loggerhead, green, Pacific ridley, and Pacific leatherback sea turtles; northern (Steller) sea lion; marbled murrelet; bald eagle; Aleutian Canada goose; peregrine falcon; and brown pelicans. Occurrence of these species varies by season and location in the offshore area.

Disposal at both of the proposed sites is expected to result in the mortality of benthic organisms and some crabs as an immediate result of material burying organisms as it hits the ocean floor. Recolonization near the burial sites is expected. Disposal at the proposed Deep Water site is expected to have a greater, but not unacceptable, negative impact to the benthic community because of its higher benthic infaunal density and diversity relative to the proposed Shallow Water site. The density and diversity of benthic organisms at the proposed Deep Water site is expected to be changed by the point-dump disposals that will ultimately create the 40-foot mound. With respect to the other living resources that use the proposed Shallow Water and Deep Water sites, the sites are not being located in areas that are limited or that are unique breeding, spawning, nursery, feeding, or passage areas.

3. Location in Relation to Beaches and Other Amenity Areas

The proposed Shallow Water site would be located on the north side of the entrance channel in 45 feet to 75 feet of water. Most of the dredged material to be placed in the Shallow Water site is expected to move north onto Peacock Spit. Some material can be expected to move toward Benson Beach, or possibly back into the entrance channel. The Shallow Water site, as a dispersive site, has the potential to feed sand into the littoral system that nourishes the beaches. Material placed at the Shallow Water site probably does not directly nourish the beaches. The shoreward edge of the proposed Deep Water site would be located about 4.5 nautical miles off the beaches of Oregon and Washington in about 200 feet of water. Material placed at the Deep Water site is expected to create a mound of material that is not available to the littoral system and is lost to the beaches.

4. Types and Quantities of Wastes Produced To Be Disposed of, and Proposed Methods of Release, Including Methods of Packing the Waste, If Any

The sites that are proposed to be designated will receive dredged materials determined to be suitable for ocean disposal that are transported by either government or private contractor hopper dredges or ocean-going bottom-dump barges towed by tugboat. Both types of equipment release the material at or very near the surface. The majority of material expected to be disposed in the proposed sites is anticipated to come from Corps maintenance dredging of shoals in the MCR entrance channel federal project. These sediments consist primarily of marine sands transported into the entrance. The material is clean, contains no contaminants of concern in excess levels, is far removed from known sources of contaminants, and is suitable for open-water disposal. In the 1999 IFR/EIS, a smaller volume of material was anticipated to be dredged from the Columbia River navigation channel (RMs 3 to 29) for operation and maintenance purposes and the then-proposed channel improvements project and disposed in the ocean. That material was also evaluated and found suitable for unconfined open-water disposal. These sediments consist of sands with low percent of silts and clays or organic material. Modifications to the channel improvements project (identified and assessed in the SEIS, 2003) propose to beneficially use those sediments for Ecosystem Restoration projects within the estuary for approximately the first 20 years following construction of the improved channel. Should the Ecosystem Restoration projects identified not be built, those sediments would be proposed for ocean disposal. In addition, some fine-grained material from side channels or backwater areas may be placed offshore in the future which will require testing and evaluation and perhaps regulatory permitting.

Material to be disposed at the Shallow Water site is expected to be placed to promote dispersion and subsequent erosion back into the littoral system without generating mounds or other features which could interfere with navigation or reduce navigation safety. Site monitoring and management will be focused on that objective.

Material to be disposed of at the Deep Water site is expected to be point-dumped within Drop Zones so as to concentrate material (individually and cumulatively) from each dump. This placement is expected to help minimize bottom impacts to benthic organisms. However, placement at the Deep Water site is expected to result in the formation of an underwater mound that is different from the flat, gently-sloping bottom that presently exists. When the placement zone of the site is filled to capacity, it is expected to resemble an approximately trapezoidal mound about 40 feet high. Some material is expected to slump into the buffer zone from the created mound.

Current hopper dredges or ocean-going, bottom-dump barges available for use along the west coast dredging have capacities ranging from 800 to 6,000 cubic yards (cy). This would be the likely volume range of dredged material deposited in any one dredging-and-placement cycle. Clamshell dredges placing material into bottom-dump barges for transport to the ocean can work within the estuary and river, but not at the MCR project. Hopper dredges can and do work sections of the existing river navigation channel. The approximately 4.5 million cubic yards (mcy) estimated to be removed annually from the MCR, and 0.6 mcy of the improved Columbia River channel maintenance should channel materials be proposed for ocean disposal, can be placed at the sites in one dredging season by any combination of private and government dredges. The dredges or barges would be under power and moving during disposal, allowing the maintenance of steerage. The slurried dredged material is expected to exit from the hoppers within several minutes and rapidly descend to the seafloor where it will impact with the bottom and spread radially. Dredged material released at the Shallow Water site should reach the bottom within 10 minutes. Material released at the Deep Water site should reach the bottom in about 35 minutes.

5. Feasibility of Surveillance and Monitoring

Monitoring and surveillance are expected to be feasible at both proposed sites. The proposed Shallow Water site, in the nearshore zone, is readily accessible for bathymetric surveys. The proposed Deep Water site, 4.5 miles offshore and between 200 and 300 feet deep, has undergone monitoring, including side-scan sonar. If actual field monitoring of the disposal activities is required because of a future concern for habitat changes or limited resources, several research groups are available in the area to perform any required work. Most monitoring work for the proposed Shallow Water site can be performed from small, surface research vessels at a reasonable cost. Monitoring at the Deep Water site may be more complex than monitoring at the proposed Shallow Water site and is likely to require a medium or large vessel at greater cost.

Once the proposed sites are designated, monitoring shall be in accordance with the then-current SMMP. Revisions to the SMMP are expected; revisions will be circulated for public review, coordinated specifically with the affected States, and become final when approved by EPA Region 10. At a minimum, annual bathymetric surveys will be conducted in areas that receive dredged material. More frequent compliance surveys will be conducted during placement at the Shallow Water site to assure uniform placement is occurring. It is expected that off-site monitoring will be necessary at the proposed Shallow Water site, at least in the initial years of use. Routine monitoring for management purposes at the proposed Deep Water site are expected and will likely focus on determining how to concentrate single year disposals in the site and on verification that material is not placed in the buffer zone or escaping outside of the overall site. No routine off-site monitoring is anticipated for the Deep Water site.

6. Dispersal, Horizontal Transport and Vertical Mixing Characteristics of the Area, Including Prevailing Current Direction and Velocity

The ocean entrance at MCR (including Peacock Spit to the north) is characterized by large waves and strong currents and is considered one of the world's most hazardous coastal inlets. The interactions of bathymetry, wind-generated waves, and ocean and river currents, are complex and the transition from coastal regime to oceanic is abrupt. The sea state at the river entrance during storm conditions is characterized by high swell incident from the northwest to southwest combined with locally-generated wind-waves from the south to southwest. During October-April, average wind-wave height is 9 feet and wave period is 12 seconds. During intense winter storms, however, waves can exceed 30 feet. During May-September, average wind-wave height is 5 feet and wave period is 9 seconds. Tides at MCR are mixed semi-diurnal, with a diurnal range of 8.5 feet. Currents, especially during ebb tidal flow cycles, can significantly worsen the hazardous wave climate even during low to moderate wind-wave conditions. At given locations, the velocity of the current has the greatest effect on wave height and wave steepness. This naturally dynamic condition enhances dispersal, horizontal transport and vertical mixing of the sediments as well as the water. This makes the area ideal for a dispersive disposal site, but extremely challenging to dredge and maintain navigation structures and for navigation of all sized vessels and craft.

The Columbia River estuary (from MCR to the Astoria Bridge) is a sink for marine (ocean) sediments, which enter through the mouth of the Columbia River. The estuary also effectively traps virtually all of the coarser fluvial (river) sediments. Finer fluvial sediments held in suspension are passed through the estuary to the ocean. ODMDSs for the MCR dredged material must be located to prevent the dredged material placed at the sites from returning directly into the entrance channel. This requires knowledge about the direction and rate of longshore transport as well as onshore/offshore transport.

Sediment movement in the marine littoral zone consists of two mechanisms that depend on sediment size. Sediments finer than sand remain in suspension in the water and are removed relatively quickly offshore. The almost total lack of clays and silts within the Columbia River mouth proper and the lower reaches of the Columbia River navigation channel attest to the efficiency of this mechanism. Sediments, sand size or coarser, may occasionally be suspended by wave action near the bottom, and are moved by bottom currents or directly as bedload. Tidal, wind and wave forces contribute to generating bottom currents that act in relation to the sediment grain size and water depth to produce sediment transport. Net transport for sand-sized material along the Oregon and Washington coast is to the north and northwest at a very slow rate. Sand placed in depths less than 60 feet can be mobilized by the combined forces of wave action and current and be transported within the littoral system.

Data available on prevailing current direction indicates that the prevailing current at the MCR is to the north and northwest. Current velocity varies seasonally and is greatest during ebb tide conditions. Sediments placed in the nearshore area, such as at the proposed Shallow Water site, appear to mix into the existing substrate. Movement of this material is expected to be in the direction of the prevailing current, to the north and northwest. This conclusion seems to be verified by monitoring conducted at the proposed Shallow Water site since 1997 and recent Corps' modeling studies.

The proposed Deep Water site is less influenced by the many dynamic interactions at MCR. Located at its closest point 4.5 miles from the entrance, dredged material placed on the sea bottom is at a depth where the prevailing currents are not expected to have any significant effects. Over time, as the mound accumulates, ocean currents, sloughing and consolidation of the material will tend to flatten the mound and distribute some of the placed material into the margins of the buffer. Sediments placed at Deep Water site are lost to the littoral system.

7. Existence and Effects of Current and Previous Discharges and Dumping in the Area (Including Cumulative Effects)

The proposed Deep Water site has not been used for disposal of dredged material. Designated Site E and Expanded Site E, which this rule proposes to incorporate into the footprint of the proposed Shallow Water site, have received varying quantities of dredged material, averaging about 3.5 mcy annually. Over the years, crab fishermen have reported some reduced harvest of crabs and loss of equipment at all designated ODMDS, including Site E, and expressed concern that disposal at Expanded Site E could contribute to adverse wave conditions. EPA and the Corps have studied the Site E and Expanded E in considerable detail. Recent computer modeling has not substantiated crab fishermen concerns relative to adverse wave conditions. Crab studies suggest that some crab mortality occurs as a direct result of the inability of a limited number of crabs to dig out from a burial by dredged materials. This effect is minimal relative to the crab resource and fishery at the MCR. Additional sampling of both the Deep Water Site and the Shallow Water Site was done in the late spring/early summer and fall of 2002. Preliminary results from these surveys are supportive of the earlier resource assessments (IFR/EIS 1999).

The historic record for the MCR suggests that between 1905 and 1940 approximately 8 mcy of sediment was dredged from the MCR bar and placed in open water by hopper dredge. Between 1945 and 1955, a total of approximately 13 mcy was dredged; while between 1956 and 1998, a total of 184 mcy has been dredged and placed in-water. The total volume of material dredged from the MCR channel between 1904 and 1998 is approximately 206 mcy. Beginning in 1977, placement of dredged materials from the MCR bar was limited to EPA designated ''interim sites,'' including Site E, which became ''final sites'' in 1986. Disposal was further limited as the final sites were used and effects were observed. The most pronounced cumulative effect of past disposal has been the development of mounds at designated Sites A and B. Mounding altered the bathymetry at these sites to the point that the wave climate in the area was affected.

Monitoring of benthic infauna has generally not shown any long-term effects due to the dredged material disposal. Oceanographic conditions are the driving factor in benthic infaunal productivity and diversity. The exception to this is lowered productivity on the crest of the mound in designated site B. Crab fishermen have also reported lower crab yields in the area of the mound at site B, which may be due to reduced productivity or the more difficult conditions for setting and retrieving crab pots. Crab pots have been buried or lost during dredged material disposal operations. Crab pot loss is not considered a cumulative, or significant, effect of disposal in the area.

8. Interference With Shipping, Fishing, Recreation, Mineral Extraction, Desalination, Fish and Shellfish Culture, Areas of Special Scientific Importance, and Other Legitimate Uses of the Ocean

Commercial and Recreational Fishing. Major commercial and recreational fishing occur in the offshore area. The predominant commercial fisheries are for salmon, Dungeness crab, bottomfish and pink shrimp. Salmon trolling and crab fishing are done over much of the nearshore area. The actual location and effort, however, varies from year to year depending on the abundance of fish or crabs, and resulting seasonal restrictions.

The principal recreational fishing occurring off the MCR is for salmon and bottom fish. Salmon fishing is done by charter boat and private boat and occurs near the same areas as commercial fishing, but generally closer to shore. Bottom fishing is conducted by charter and private boat for halibut, rockfish, and lingcod, which are generally associated with rocky areas. Other recreational activities include clamming in the bay and along the beach and fishing off the jetties. Dredging operations have not been identified as impacting any of these fishing activities. Crab fishermen have stated that disposal of material at the existing ODMDS, Site E, has affected their fishery by creating mounds which affect small boat navigation, or create a soft bottom condition which lets crab pots sink into the sediments making removal difficult, expensive or impossible. Crab pots have been damaged or lost due to burial when dredged material was placed on them or by the dredges snagging the buoy lines. The Corps has been and will continue to coordinate with the fishermen to minimize this impact. Crab fishermen have also expressed the concern that disposal kills crabs by smothering them or by changing the bottom habitat which may reduce the number of crabs available to catch.

In order to evaluate the impacts to individual crabs by dredged material disposal, the Corps contracted with Battelle NW Laboratories in Sequim, Washington and Scripps Institute of Oceanography in La Jolla, California. Because assessing these impacts during an actual disposal event could not be done in the ocean, it was decided to simulate disposal conditions in the laboratory. The tests at the Battelle Lab were done with recently molted soft-shelled crabs, which have the greatest potential for mechanical damage during a disposal event. The tests at the Scripps Lab were done using hard shell crab, since soft-shell crabs were not available.

Results of the limited testing are inconclusive. In all the tests done, no crabs appeared to be killed or injured by mechanical damage (all crabs removed from the sand mass were alive). The only mortality occurred when they did not dig out of the sand mass. Whether or not this behavior is typical of what occurs in nature is unknown. It seems unlikely, however, that organisms that live in an environment where they are constantly being buried under sand, such as at the mouth of the Columbia River, would have evolved a behavior that would result in their mortality. It seems more likely that the mortality associated with this behavior is an artifact of the testing and that the tests do not accurately represent the conditions that crabs experience in nature.

Crab population levels are affected by a variety of environmental and human factors, including but not limited to: upwelling patterns, onshore currents, wind and commercial fishing. Any of these conditions can have a devastating effect on population numbers in any year. Changes in oceanographic conditions during the larval stage can dramatically reduce survival and the number of adults. While some mortality of crabs could occur during an individual disposal event, only a small percentage of the population present and habitat available at the MCR would be affected by an individual disposal or repetitive disposal events. These mortalities and changes in habitat would be significantly less than mortalities and habitat changes which occur naturally. Additional sampling of both the Deep Water Site and the Shallow Water Site was done in the late spring/early summer and fall of 2002. Preliminary results from these surveys are supportive of the earlier resource assessments (IFR/EIS 1999).

Bathymetric monitoring will be done at and in the vicinity of the proposed Shallow Water site if it is designated. This information will be used by the Corps and EPA to manage placement of dredged material into the site. The proposed Shallow Water site would be located in an area that is dispersive, so while material will accumulate during active disposal, it is expected to be dispersed out of the site by the next dredging season (see also specific criteria 6). Disposal at the proposed Deep Water site will create a permanent mound; however, a mound height restriction and site monitoring and management will preclude interference with small and large vessel operation. The proposed Deep Water site is primarily within the towboat lane and should receive very limited commercial or recreational fishing use.

Dungeness crab are widely distributed throughout the nearshore area and fishing occurs in most areas north and south of the Columbia River mouth and out into deep ocean water (300+ feet). Throughout the site selection process, the crab fishermen identified specific areas that produce more income for their crab fishing effort. While these areas may not represent the cross-section of all fishermen operating out of the Columbia River, these identified areas were avoided to the extent practicable in the EPA's configuration of the proposed sites.

Mineral Extraction. There are known metallic mineral deposits in the area, principally black sands. While commercial extraction has been proposed and attempted in the past there are no known current proposals to mine offshore. There have been no exploratory wells drilled offshore near the mouth of the Columbia River. Clear conflicts with navigation and endangered species make it unlikely that production facilities would be permitted near the river's mouth or at any proposed site.

Desalination. There are no desalination plants in the area of the mouth of the Columbia River.

Fish and Shellfish Culture. There are no fish or shellfish culture operations in the area of the mouth of the Columbia River that would be affected by disposal of dredged material at any of the proposed sites.

Shipping and Other Legitimate Uses. Conflicts with commercial navigation traffic have been reported at the four 102/103 sites. In the past, disposal operations at Site F, where there was the greatest potential for conflict, were closely coordinated with the bar pilots. Similar coordination is expected to occur if the Deep Water site is used. The proposed Deep Water site is located in the towboat lanes and offshore of the Columbia Bar Pilots' exchange point. The potential for conflict with dredges and tug and barges transiting to the site are recognized but can be managed through coordination with the pilots, the Coast Guard, and others. While commercial navigation traffic is not an issue for the proposed Shallow Water site, placement at the site would be managed to avoid the creation of potential adverse wave impacts resulting from disposal operations, which could affect smaller boats transiting through the area. The proposed site would be located in an area immediately adjacent to an area that is subject to shoaling and breaking waves. Navigation in this area is known to be hazardous at all times based on natural conditions. Management at the proposed site would be focussed on not worsening the conditions at this naturally hazardous area.

Special Scientific Importance. There are no known transects or other scientific study locations that would be impacted by disposal at any proposed site.

9. The Existing Water Quality and Ecology of the Site as Determined by Available Data or by Trend Assessment or Baseline Survey

Water and sediment quality analyses conducted in the study area and experience with past disposals in this region have not identified any adverse water quality impacts from ocean disposal of dredged material. The ecology of the nearshore and offshore areas is a Northeast Pacific mobile sand community. Neither the pelagic (mobile) or benthic (non-mobile) communities should sustain irreparable harm due to their widespread occurrence off the Oregon and Washington coasts.

10. Potentiality for the Development or Recruitment of Nuisance Species in the Disposal Site

Nuisance species are considered to be any undesirable organism not previously existing at the disposal site. They are either transported to or recruited to the site because the disposal of dredged material creates an environment where they can establish. It is highly unlikely that any nuisance species could be established at the proposed Shallow Water site given the dynamic energy at the site which is expected to discourage the establishment of species not currently adapted to high-energy conditions. Habitat conditions are expected to change somewhat at the proposed Deep Water site because it is expected that disposal of coarser materials will impact limited sections of the benthic communities currently established at the site. While it can be expected that organisms will become established at the site which were not there previously, it is unlikely that this new community would be regarded as a nuisance, or ''undesirable,'' community.

11. Existence at or in Close Proximity to the Site of any Significant Natural or Cultural Features of Historical Significance

Due to the proximity of the proposed Shallow Water site to the Columbia River channel, the cultural resource that has the greatest potential for impact would be shipwrecks. The most likely areas for shipwrecks would be in the shallow breaker zone and the mouth of the Columbia River entrance. Wrecks within these areas would likely have been torn apart due to the high-energy climate. At or near the proposed Deep Water site wrecks are less likely; however, the deeper water would buffer the high-energy wave climate and thus make shipwrecks there less prone to damage. Shipwrecks in deeper water would tend to have more cultural value than shipwrecks nearshore. Undiscovered wrecks could occur in the area. Sidescan sonar surveys of the Deep Water Site have been conducted which should have identified any potential shipwrecks. None were identified. As additional sidescan sonar surveys are conducted in the future, and if potential shipwrecks are identified, EPA will require or undertake appropriate follow up action. No natural or cultural features of historical significance have been identified at either site proposed for designation in this rule.

G. Proposed Action—Proposal to De-Designate Existing ODMDS and Proposal to Designate Ocean Disposal Sites

The proposed action evaluated through this proposal is the proposed designation under Section 102(c) of the MPRSA of the Shallow Water and Deep Water sites. The primary purpose of the proposed designations is to provide environmentally acceptable locations for ocean disposal of dredged materials from Columbia River navigation projects. The evaluative processes, voluntary NEPA and an analysis of site suitability based on an assessment of the regulatory criteria, provide a thorough and objective evaluation and the information necessary to determine the suitability of an ocean disposal area for site designation. EPA's proposed site designation is being conducted in accordance with the MPRSA, the Ocean Dumping Regulations, and other applicable Federal environmental legislation and policy.

Ocean disposal site designation does not constitute or imply EPA's or the Corps' approval of ocean disposal of dredged material from any project. Before disposal of any dredged material at newly designated ODMDS may occur, EPA and the Corps must evaluate the proposed project according to the ocean dumping regulatory criteria (40 CFR part 227). EPA and the Corps will not allow ocean disposal of dredged material at newly designated ODMDS if either agency determines that the dredged material does not meet the ocean dumping regulatory criteria. The Corps is required to evaluate all proposed dredging projects associated with Columbia River dredged materials in accordance with all applicable Federal law, *e.g.,* the Magnuson-Stevens Fishery Conservation and Management Act, the Coastal Zone Management Act, and the Endangered Species Act.

This proposed action also proposes to de-designate, pursuant to 40 CFR 228.11, three ODMDS, Sites A, B and F, originally designated by EPA in 1986. The sites are proposed for de-designation because use of the sites for disposal of dredged materials resulted in mounding of disposal materials. The resulting mounds threatened to create hazardous conditions for large ships and small craft due to waves refracting from and breaking over the mounds. A fourth ODMDS, Site E, as currently designated, inhibits the ability to minimize interference with other activities in the marine environment. This rule proposes to modify Site E pursuant to 40 CFR 228.11 by designating a new site, the Shallow Water site which would incorporate the 1986-designated Site E and appreciably expand it. This rule does not propose to impact sites selected by the Corps under the authority of Section 103 of the MPRSA. Those sites will terminate based on the requirements of Section 103.

H. Statutory and Executive Order Reviews

1. Executive Order 12866

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

(1) Have an annual effect on the economy of $100 million or more, or adversely affect in a material way, the economy, a sector 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 proposed action is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review.

2. Paperwork Reduction Act

The Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*, is intended to minimize the reporting and record-keeping burden on the regulated community, as well as to minimize the cost of Federal information collection and dissemination. In general, the Act requires that information requests and record-keeping requirements affecting ten or more non-Federal respondents be approved by OPM. Since the proposed Rule does not establish or modify any information or record-keeping requirements, it is not subject to the provisions of the Paperwork Reduction Act.

3. Regulatory Flexibility

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA),), 5 U.S.C. 601 *et seq.,* generally requires Federal agencies 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, as codified in the Small Business Size Regulations at 13 CFR part 121; (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. EPA has determined that this action will not have a significant impact on small entities because the proposed ocean disposal site dd-designations and designations will only have the effect of providing environmentally-acceptable and safe for marine traffic disposal options for dredged materials on a continuing basis. After considering the economic impacts of today's proposed rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Although this proposed rule will not have a significant economic impact on a substantial number of small entities, EPA nonetheless has tried to reduce the impact of this rule on small entities. EPA's proposed ocean disposal site designation considered input from small entities in determining where to propose site locations and in sizing sites to reduce any potential impacts. We continue to be interested in the potential impacts of the proposed rule on small entities and welcome comments on issues related to such impacts.

4. Unfunded Mandates

Title II of the Unfunded Mandates Reform Act (UMRA) of 1995 (Pub. L. 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 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 the 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.

This proposed 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. It imposes no new enforceable duty on any State, local or tribal governments or the private sector. Similarly, EPA has also determined that this proposed rule contains no regulatory requirements that might significantly or uniquely affect small government entities. Thus, the requirements of section 203 of the UMRA do not apply to this rule.

5. 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 various levels of government.''

This proposed 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 various levels of government, as specified in Executive Order 13132. This proposed rule addresses the designation of sites near the Columbia River suitable for disposal of dredged materials. Once designated, persons seeking to use the sites must obtain a permit. Thus, Executive Order 13132 does not apply to this rule. Although Section 6 of the Executive Order 13132 does not apply to this proposed rule, EPA did consult with representatives of State and local governments in developing 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 solicits comment on this proposed rule from State and local officials.

6. 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.'' This proposed rule does not have tribal implications, as specified in Executive Order 13175. The rule proposes to designate ocean disposal sites pursuant to section 102 (c) of the MPRSA for use as dredged material sites and does not establish any regulatory policy with tribal implications. Thus, Executive Order 13175 does not apply to this proposed rule. EPA specifically solicits additional comment on this proposed rule from tribal officials.

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

Executive Order 13045 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 proposed rule is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866 and because the Agency does not have reason to believe the environmental health or safety risks addressed by this proposed action present a disproportionate risk to children. The proposed rule concerns the designation of ocean disposal sites and would only have the effect of providing designated locations to use for ocean disposal of dredged material pursuant to section 102 (c) of the MPRSA.

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

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

9. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTAA''), Public Law No. 104–113, 12(d) (15 U.S.C. 272) 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 bodies. The NTAA directs EPA to provide Congress, through the OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This proposed rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards. EPA welcomes comments on this aspect of the proposed rulemaking and, specifically, invites the public to identify potentially-applicable voluntary consensus standards and to explain why such standards should be used in this regulation.

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

To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each Federal agency must make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health and environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands. Because this proposed rule addresses ocean dumping (away from inhabited land areas), with no anticipated significant adverse human health or environmental effects, the rule is not subject to Executive Order 12898.

List of Subjects in 40 CFR Part 228

Environmental Protection, Water Pollution Control.

Dated: March 4, 2003.

John Iani,

Regional Administrator for Region X.

For the reasons set out in the preamble, chapter I of title 40 of the Code of Federal Regulations is proposed to be amended as set forth below:

PART 228—[AMENDED]

1. The authority citation for part 228 continues to read as follows:

Authority: 33 U.S.C. 1412 and 1418.

2. Section 228.15 is amended by removing and reserving paragraphs (n) (6), (n) (7), and (n) (9), and revising paragraph (n)(8) to read as follows:

§ 228.15 Dumping sites designated on a final basis.

* * * * *

(n) * * *

(6) [Reserved]

(7) [Reserved]

(8) (i) Mouth of the Columbia River, OR/WA Dredged Material Shallow Water site

(A) *Location:* Overall Site Coordinates/Site Placement Area: 46°15′31.64″ N, 124°05′09.72″ W; 46°14′17.66″ N, 124°07′14.54″ W; 46°15′02.87″ N, 124°08′11.47″ W; 46°15′52.77″ N, 124°05′42.92″ W; Site Drop Zone: 46°15′35.36″ N, 124°05′15.55″ W; 46°14′31.07″ N, 124°07′03.25″ W; 46°14′58.83″ N, 124°07′36.89″ W; 46°15′42.38″ N, 124°05′26.55″ W (All NAD 83).

(B) *Size:* 3.50 kilometers long and 0.94 to 1.71 kilometers wide; 0.626 square nautical miles.

(C) *Depth:* Ranges from 14 to 23 meters.

(D) *Primary Use:* Dredged Material determined to be suitable for ocean disposal.

(E) *Period of Use:* Continuing Use.

(F) *Restrictions:* (*i*) Disposal shall be limited to dredged material determined to be suitable for unconfined disposal; (*ii*) Disposal shall be limited by site restrictions and requirements contained in the then currently-approved Site Management and Monitoring Plan (SMMP); (*iii*) An Annual Use Plan (AUP) must be prepared and approved by EPA before disposal may occur in any year.

(ii) Mouth of the Columbia River, OR/WA Dredged Material Deep Water site.

(A) *Location:* Overall Site Coordinates: 46°11′03.03″ N, 124°10′01.30″ W; 46°13′09.78″ N, 124°12′39.67″ W; 46°10′40.88″ N, 124°16′46.48″ W; 46°08′34.22″ N, 124°14′08.07″ W (which includes a 3,000-foot buffer on all sides); Site Placement Area: 46°11′06.00″ N, 124°11′05.99″ W; 46°12′28.01″ N, 124°12′48.48″ W; 46°10′37.96″ N, 124°15′50.91″ W; 46°09′15.99″ N, 124°14′ 08.40″ W (All NAD, 83).

(B) *Size:* 7.01 kilometers long by 5.18 kilometers wide; 5 square nautical miles.

(C) *Depth:* Ranges from 55 to 94 meters.

(D) *Primary Use:* Dredged material determined to be suitable for ocean disposal.

(E) *Period of Use:* Continuing Use (subject to restriction 8) or until placed material has mounded to an average height of 40 feet within the placement area (*see* restriction 6 below).

(F) *Restrictions:* (*i*) Disposal shall be limited to dredged material determined to be suitable for unconfined disposal; (*ii*) Disposal shall be limited by site restrictions and requirements contained in the then currently-approved Site Management and Monitoring Plan (SMMP); (*iii*) An Annual Use Plan (AUP) must be prepared and approved by EPA before disposal may occur in any year; (*iv*) A Drop Zone or Zones will be specified in the AUP for disposal, pursuant to restrictions and requirements contained in the then currently-approved SMMP; (*v*) Direct disposal of dredged material into the identified buffer zone is prohibited; (*vi*) The Corps and/or EPA shall undertake specific re-evaluation of site capacity once the site is used and an average mound height of 30 feet has accumulated throughout the Placement Area. This evaluation will either confirm the original 40-foot height restriction, or recommend a more technically appropriate one; (*vii*) Use of the Deep Water Site during the first three years following final designation is limited as follows subject to completion of baseline and other special studies identified in the 2003 Site Management and Monitoring Plan: (*a*) Drop Zones specified must correspond to locations where 2001–2002 physical and biological characterizations have occurred, and (*b*) Disposals will be required to minimize the spread of material on the sea floor within the placement area; (*viii*) Site use is automatically prohibited at the end of year three following final designation if, for any reason, baseline and other special studies identified in the 2003 SMMP have not been completed and accepted by EPA. Site use will remain prohibited until this condition is satisfied.

(9) [Reserved]

* * * * *

[FR Doc. 03–5743 Filed 3–10–03; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric dministration

50 CFR Part 600

[Docket No. 030224043–3043–01; I.D. 040202C]

Magnuson-Stevens Act Provisions, Subpart H; General Provisions for Domestic Fishing

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

ACTION: Notice of decision on petition for rulemaking on bycatch.

SUMMARY: NOAA announces its decision on a petition for rulemaking under the Administrative Procedure Act. Oceana, a non-governmental organization, petitioned the U.S. Department of Commerce to promulgate immediately a rule to establish a program to count, cap, and control bycatch in U.S. fisheries. The Oceana petition asserted that NMFS is not complying with its statutory obligations to monitor and minimize bycatch under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Endangered Species Act (ESA), the Marine Mammal Protection Act of 1972 (MMPA), and the Migratory Bird Treaty Act (MBTA). The petition sought a regulatory program that includes a workplan for observer coverage sufficient to provide statistically reliable bycatch estimates in all fisheries, the incorporation of bycatch estimates into restrictions on fishing, the placing of limits on directed catch and bycatch in each fishery with provision for closure upon attainment of either limit, and bycatch assessment and reduction plans as a requirement for all commercial and recreational fisheries. NMFS has decided not to initiate rulemaking immediately, but instead to update and renew its commitment to a National Bycatch Strategy, which may eventually result in rulemaking for some fisheries.

ADDRESSES: Copies of the petition are available from John H. Dunnigan, Director, Office of Sustainable Fisheries, NMFS, 1315 East-West Highway, Silver Spring, MD 20910; telephone 301–713–2334. The text of Oceana's petition is available via internet at the following NMFS web address: *http://www.nmfs.noaa.gov/bycatch.htm*.

FOR FURTHER INFORMATION CONTACT: John H. Dunnigan, telephone (301)713-2334.

SUPPLEMENTARY INFORMATION: NMFS published a notice of receipt of petition for rulemaking in the April 18, 2002, **Federal Register** (67 FR 19154) and invited public comments for 30 days ending June 17, 2002. In response, NMFS received 31 letters from different interest groups including Regional Fishery Management Councils (RFMCs), the Commonwealth of the Northern Mariana Islands, various commercial fishermen and fisheries organizations, environmental groups, and other interested individuals. Also, NMFS received tens of thousands of letters of similar content and petitions from interested members of the general public. Summaries of and responses to comments are provided under Public Comments below.

The Petition

The petition sought rulemaking on ''bycatch,'' which it refers to as ''the incidental catch of birds, mammals, turtles, and fish.'' The petition cited specific legal responsibilities of NMFS for bycatch under the MSA, ESA, MMPA and MBTA, and concluded that NMFS must count, cap, and control bycatch. The petition stated that NMFS must monitor and report bycatch of seabirds that occurs in fishing operations and take steps to reduce seabird bycatch.

For the MSA and related regulations and Federal Court interpretations, the petition cited national standard 9 and other requirements for minimizing bycatch and related mortality, including the requirement to establish a standardized reporting methodology to assess the amount and type of bycatch occurring in a fishery. The petition concluded that any Federal Fishery Management Plan (FMP) or regulation prepared to implement an FMP must contain measures to minimize bycatch in fisheries to the extent practicable and argued that greater observer coverage is required.

For the ESA, the petition cited the prohibition on taking endangered species and protection of threatened species, including recovery plans to guide regulatory efforts, as well as consultation requirements and incidental take statements.

For the MMPA, the petition cited requirements for a regulatory system to avoid and minimize takes of marine mammals reducing mortality or serious injury to insignificant levels, as well as take reduction plans and monitoring of marine mammal takes.

For the MBTA, the petition cited the prohibition on taking any migratory bird, including seabirds, except as permitted by regulations issued by the Department of the Interior, and cited Federal case law and Executive Order 13186 as requirements that NMFS ensure that fishery management plans (FMPs) comply with the MBTA. The petition also referred to the NMFS-issued National Plan of Action for reducing seabird bycatch and the need to prepare a national seabird bycatch assessment.

The exact and complete assertions of nonconformance with Federal law are contained in the text of Oceana's petition which is available via internet at the following NMFS web address: *http://www.nmfs.noaa.gov/bycatch.htm*. Also, a copy of the petition may be obtained by contacting NMFS at the above address.

The petition specifically requested that NMFS immediately undertake a rulemaking to meet its obligations under the above statutory authorities and that such rulemaking include the following four actions:

''1. Develop and implement a workplan for placing observers on enough fishing trips to provide statistically reliable bycatch estimates in all fisheries. This task involves several steps (taking into account the diversity of vessel category, gears used, and fishing region): (a) determining how many fishing trips must be observed, where observers should be stationed, and other details; (b) identifying funding sources to support such observer coverage, including taxpayer subsidies, taxing landings or user fees; and (c) hiring, training, and deploying the necessary observers.

''2. Incorporate reasonable estimates of bycatch into all total allowable catch levels and other restrictions on fishing.

''3. Set absolute limits on the amount of directed catch and bycatch (including non-fish bycatch) that can occur in each fishery, and close the fishery when the applicable catch or bycatch limit (whichever is reached first) is met.

''4. Within 12 months of initiating rulemaking, develop, approve, and implement bycatch assessment and reduction plans for commercial and recreational fisheries. Such plans should include, at minimum, (a) an assessment of the fishery according to its bycatch, including its types, levels, and rates of bycatch on a per-gear basis and the impact of that bycatch on bycaught species and the surrounding environment; (b) a description of the level and type of observer coverage necessary accurately to characterize total mortality (including bycatch) in the fishery; (c) bycatch reduction targets and the amount of directed and bycatch mortality allowed in each fishery to meet the target; and (d) types of bycatch reduction measures (such as closed areas, gear modifications, or effort reduction) that will be employed in the fishery, including incentives for those who use gears that produce less bycatch. Beginning 12 months after rulemaking commences, NMFS should not permit fishing in any fishery that lacks a functioning bycatch plan.''

Public Comments on the Need for Such a Regulation, Its Objectives, and Alternative Approaches

Thousands of letters of similar content and petitions from interested members of the general public expressed concern about ''the senseless destruction of ocean life caused by wasteful fishing'' and the failure of government to enforce four Federal laws (MSA, ESA, MMPA, MBTA) to reduce bycatch. Most urged the enforcement of law and the placement of observers on fishing vessels to monitor bycatch. These letters and petitions also urged near-zero levels of bycatch for all marine life. We acknowledge these comments and have given them due consideration in formulating this notice of decision.

Of the remaining 31 letters: 21 commenters urged that the petition should be rejected or denied; 2 commenters provided mixed comments on the petition; and 8 commenters supported the petition to count, cap, and control bycatch. Most of these commenters noted that there is an existing MSA process that should be used for rulemaking, that this process includes RFMCs, and that a global, national rulemaking is inappropriate. Some noted that the petition failed to acknowledge what NMFS and RFMCs have done and are doing to minimize bycatch. Many commenters specifically addressed the points of incorporating bycatch estimates into total allowable catches (TACs) and establishing quotas or absolute limits on catch and bycatch.

Other key points made by commenters included: observer programs are not needed for all fisheries; there should be selection criteria; and high priority fisheries should get observers. Several commenters noted that NMFS and RFMCs need a bycatch planning process. Others referred to seabird bycatch and seabird avoidance measures. Two commenters supported the call for a coordinated effort at a national level to standardize protocols for observers. Another commenter emphasized that bycatch is an international issue and urged NMFS to set an example on bycatch conservation goals. Commenters also expressed the need to make funding available for observer programs and bycatch programs.

Responses to the specific points of the 31 letters are provided below, organized under the four headings corresponding to the four main components of the bycatch petition.

1. Workplan for Sufficient Observer Coverage

Comment 1: Several commenters stated that bycatch is either nonexistent or extremely uncommon in certain fisheries such as in the Commonwealth of the Northern Marianas Islands or in the spiny lobster fishery of the Gulf of Mexico (i.e., 7 dead fish in 21,000 trap observations). These commenters expressed that while some level of coverage may be valuable in certain fisheries such as the Gulf of Mexico shrimp fishery, any requirements for an observer program for those fisheries in which bycatch has been determined not to be a problem is onerous and costly with no added benefit.

Response: NMFS recognizes that certain fishing gears and configurations are more selective than others. Nonetheless, fisheries must be assessed at some level, using observers or other bycatch assessment methods, to determine whether there is a bycatch problem. NMFS uses logbook information, existing information on gear selectivity, distribution and abundance of fish and protected resource populations, and bycatch information in other similar fisheries to make preliminary evaluations of potential bycatch in unobserved fisheries. These preliminary evaluations are used by NMFS, and the RFMCs where appropriate, to determine whether observer placement in these fisheries is warranted, and at what levels. NMFS will be developing a national approach to a standardized bycatch reporting methodology as noted under the NMFS National Bycatch Strategy section below. A national in-house working group will evaluate the current methodologies for estimating bycatch, review the current use of self-reporting to estimate discards, evaluate the potential for estimating discards by inferences drawn from fishery independent surveys, recommend a statistical design for observer programs to cover all U.S. fisheries, recommend standards of precision to be achieved for discard estimates, and recommend observer sample sizes and associated costs for all U.S. fisheries.

Comment 2: Another commenter objected to the petition's request for requiring observers on all U.S. fleets regardless of whether there is bycatch and for requiring a statistically reliable estimate of bycatch within a 1–year time period, which would necessitate, in some cases, well in excess of 20 percent observer coverage. The commenter explained that this would be costly, unnecessary, inefficient, and devastating to fishermen.

Response: The bycatch petition does not request observers on all fleets, but instead, calls for a workplan for placing observers on enough fishing trips to provide statistically reliable bycatch estimates in all fisheries. NMFS, in collaboration with RFMCs, evaluates and addresses the problems of bycatch on a fishery-by-fishery basis. In some cases, this involves deploying observers in certain fisheries. In other cases, because observer coverage is not possible, new methods must be devised to assess bycatch. This is an ongoing process, as part of the fishery management process, and we recognize that a 1–year time frame for collecting statistically reliable bycatch estimates by deploying observers in all fisheries is unrealistic, and, for some fisheries, unwarranted. The development by NMFS of a national approach to a standardized bycatch reporting methodology will help in determining what is needed in individual fisheries.

Comment 3: One commenter indicated that the Atlantic Coast Cooperative Statistics Program's (ACCSP) ''Release, Discard, and Protected Species Interactions Monitoring Program Module'' is in use on the Atlantic Coast and that it represents an adequate process for bycatch monitoring and collection standards.

Response: NMFS agrees that the goals and protocols of the ACCSP bycatch monitoring program, establishing the preferred methodology to collect data and estimate bycatch, are well defined and scientifically reliable. Once funded and implemented in all Atlantic fisheries, this should provide extremely valuable data and will be an effective tool for estimating bycatch.

Comment 4: While concurring that observers are an effective method for gathering detailed information on fishing activities, one commenter asserted that such programs may present logistical difficulties (small vessels, rare events) and may not be the best way to assess bycatch in ''all'' fisheries. The commenter urged NMFS not to rush to implement a comprehensive observer program for every fishery, but rather to consider a more strategic approach. The commenter also stated that observer programs should be prioritized by existing information demonstrating the need for observer coverage.

Response: NMFS agrees that observers are effective in many fisheries but are not appropriate in all fisheries. NMFS, in collaboration with RFMCs, evaluates and addresses the problems of bycatch and the need for observers on a fishery-by-fishery basis. The development of a national approach to standardized bycatch reporting methodology is discussed below in the NMFS National Bycatch Strategy section. In fisheries that NMFS determines are not appropriate for observer coverage, NMFS works with the RFMCs to implement alternative methods to assess bycatch in fisheries. Also, NMFS recently has developed long-term budget initiatives for observer programs, including research into observer programs for small vessel coverage. This includes the testing of digital cameras strategically placed onboard vessels to monitor fishing activities and catch.

Comment 5: One commenter indicated that the North Pacific Fishery Management Council (NPFMC) and NMFS already have an observer program in place, stating that, while the program can be improved, such improvements must come from incremental changes as more information becomes available.

Response: NMFS agrees that the observer program in place for monitoring North Pacific groundfish fisheries has benefitted from changes implemented as new information and resources have become available. However, observer programs have not been implemented for all U.S. fisheries. The National Observer Program, a relatively new program within NMFS headquarters, is charged with facilitating the exchange of information and experiences between programs to facilitate the implementation of new programs and to improve the efficiency and effectiveness of existing observer programs.

Comment 6: Several commenters indicated that the NPFMC already has a functioning observer program for the North Pacific groundfish fishery that is large scale, mandatory, and industry-funded. At least one of these commenters indicated that as a result, the NPFMC has an observer-generated data base from which to evaluate catch and bycatch mortality levels in those sectors of the fleet that account for virtually all of the groundfish landings in the Bering Sea and Aleutian Islands and a large part of the landings in the Gulf of Alaska.

Response: NMFS agrees that industry funding of the North Pacific Groundfish Observer Program (NPGOP) has resulted in comprehensive coverage of North Pacific groundfish fisheries. The data collected by observers are critical to the management of these fisheries. NMFS is working with the NPFMC to review current funding mechanisms and coverage levels in the NPGOP. This review is focused on ensuring that funding mechanisms and coverage levels continue to address the need for collection of high quality catch and bycatch data to support management decisions.

Comment 7: Several commenters supported the development and implementation of an observer workplan, with consistent and adequate coverage as necessary to provide more reliable bycatch estimates and facilitate sound management. Commenters noted that unreliable bycatch estimates can undermine stock assessments and impede rebuilding efforts, and that restrictive management regimes based on flawed data may economically destroy fisheries.

Response: For fisheries where observer coverage is needed to monitor bycatch, NMFS agrees that a level of coverage should be deployed that provides statistically reliable bycatch estimates. Because the need for coverage will vary from fishery to fishery, NMFS is undertaking a national review of coverage levels in the coming year to evaluate current mechanisms used for estimating appropriate coverage levels, and to determine the most appropriate statistical methodologies upon which to base sample size determinations. This review will be used in the refinement of future initiatives to address funding for observer programs. This review will also support the development of a national plan for NMFS observer programs, where needs for observer coverage to monitor bycatch will be outlined on a fishery by fishery basis.

Comment 8: One commenter supported a national work plan for observer placement that would include: hiring standards; coordination with states; maximum data collection regardless of the statutory authority; adequate support for observers; well-defined objectives and goals for each observer program; data quality and assurances; strong scientific sampling design; annual evaluations; and giving NMFS sole authority to make all decisions in regards to observers (i.e., RFMCs should not be involved in sampling design).

Response: NMFS agrees that a national plan for NMFS observer programs is important to address the commenter's concerns, and has initiated development of this plan. Historically, NMFS observer programs have operated independently in each region with little opportunity for exchange of information and with minimal guidance on the development of standardized operating procedures. With the establishment of the National Observer Program in 1999, NMFS has begun to address many issues critical to the effective deployment of observers nationwide, such as program goals and objectives, safety standards for observed vessels, hiring standards and wages for observers, vessel liability, observer compensation in the event of an injury, authorities to collect observer data, and options for industry funding of observer programs. As part of the agency's implementation of the Fisheries Information System, the National Observer Program has also begun to address issues to improve overall data integrity, such as coordination with states and RFMCs, sampling design and data quality, observer coverage levels, integration of observer data with other fisheries data, data confidentiality, electronic data entry, and improved access to observer data. The National Observer Program will be drafting the national plan for NMFS observer programs in the coming year, in cooperation with each regional NMFS observer program, RFMCs, the states, and the state fishery commissions.

Comment 9: Another commenter supported a workplan, but expressed that observers may not necessarily be required in all fisheries if other reliable and accurate methods of assessing bycatch are available. The commenter suggested that NMFS prioritize which fisheries require observers to obtain accurate bycatch data and determine the level of coverage needed.

Response: NMFS agrees and is working towards this. Current efforts include research into alternative methods for collection of bycatch data, such as the use of video cameras and other means of electronic monitoring, and identification of fisheries with the highest priority for observer coverage. As discussed below, NMFS will be developing a national approach to standardized bycatch reporting methodology.

Comment 10: Commenters asserted that without the immediate implementation of a plan to count, cap, and control bycatch, including the implementation of an observer workplan, our oceans remain at risk from wasteful fishing practices.

Response: NMFS continues to work nationally and internationally to reduce bycatch. A wide variety of measures are already in place to monitor and reduce bycatch in numerous fisheries. Bycatch data from observers are used to develop and implement gear improvements and management measures to reduce bycatch. NMFS will continue to work on identifying fisheries for which bycatch is occurring, and furthering strategies for better estimating and reducing bycatch.

Comment 11: One commenter supported the development of a workplan for observer placement and suggested that NMFS should: devise a more effective system for observer deployment than the ''lottery'' system currently in place in the West Coast groundfish fishery; establish minimum standards at the national level for safety, hiring, sampling, and data integrity; require critical evaluation of observer sampling methods and heighten concern for data integrity; and improve constructive communication between observers, NMFS, and Pacific States Marine Fisheries Commission employees.

Response: Same response as to Comment 8.

Comment 12: One commenter asserted that the universal implementation of observer programs is not practical for fishing vessels in the Western Pacific, as the majority of the fleet are small, 1–3 person vessels. The commenter also indicated that the deployment of observers on Hawaii longline vessels has permitted an evaluation of the accuracy of logbook records, and has led to a method whereby catch estimates can be generated from logbook data in the absence of observers. The commenter indicated that observer-validated logbooks and survey interceptions at landing sites should not be dismissed as alternate ways of monitoring bycatch.

Response: Non-biased observer data collection in the majority of instances is the most effective way to monitor bycatch, particularly of protected species, in order to obtain accurate data. Nonetheless, NMFS acknowledges that observer data are not the only way to monitor bycatch. More cost effective alternatives need to be developed and considered and may prove to be just as effective, depending upon the purpose. Electronic monitoring, self-reporting (logbooks), and/or dockside sampling may be viable alternatives to observers in some fisheries. For example, in small vessel fisheries electronic monitoring may be a viable alternative to observers; in other fisheries, technology may be used to augment observer data. A national approach to standardized bycatch reporting methodology will be useful in evaluating needs of individual fisheries.

Comment 13: One commenter recommended that NMFS should identify statistically significant levels of observer coverage necessary to obtain reliable estimates of the problem, and require each RFMC to develop, within a year, a draft plan that would include a standardized bycatch reporting methodology.

Response: NMFS continues to work with RFMCs and others to identify appropriate levels of observer coverage in fisheries where bycatch is a significant problem, and to implement bycatch reporting methodologies. Developing a more rigorous and ‘‘standardized’’ reporting methodology for all fisheries will require substantially higher levels of funding for the RFMCs and NMFS (particularly for observers and data analysis) and greater cooperation by industry where voluntary measures have failed. Detailed administrative records are needed to comprehensively assess bycatch reporting methodology and any adverse impacts from fishing practices. NMFS will evaluate current methodologies for reporting bycatch and costs, among other things, as it develops a national approach to a standardized bycatch reporting methodology as part of its continuing efforts to reduce bycatch.

Comment 14: One commenter indicated that the at-sea Pacific whiting fleet in the North Pacific and the whiting fishery on the west coast have had bycatch avoidance plans in effect that are among the most sophisticated and effective of any in the world. Further, the commenter pointed out that observers in this fishery are not required by regulation; the fleet voluntarily carries these observers at their own expense.

Response: NMFS recognizes the effectiveness of the voluntary at-sea Pacific whiting fleet observer program, and the contributions of the industry to the success of this program and to the low levels of bycatch associated with this fishery.

Comment 15: One commenter indicated that while the development of an observer workplan is desirable, it is unreasonable to request that such a plan be implemented without a known source of funding. The commenter asserted that the petitioners would be more productive if they influenced Congress to fund the existing mandates of the MSA, at which time NMFS and the RFMCs and the states could collaborate on development and implementation of such a workplan.

Response: NMFS has and will continue to develop budget initiatives to address needs for observer coverage in currently unobserved or under-observed fisheries. Funding for observer programs has been a priority for both the agency and Congress, as reflected in increased funding levels for observer programs from approximately $8 million in 1999 to approximately $21 million in 2002. In addition, NMFS is exploring alternative mechanisms for funding of observer programs, and the statutory authority to implement these alternative funding mechanisms. Authority for industry funding of observers under the MSA (section 313) currently exists only for fisheries managed by the NPFMC.

Comment 16: Another commenter asserted that the fisheries in the North Pacific are subject to the most comprehensive observer coverage of any fishery in existence. The commenter stated further that, based on scientific advice the NPFMC has received, the accounting measures in place in the North Pacific fisheries more than adequately account for and monitor catch and bycatch in the groundfish and crab fisheries.

Response: NMFS agrees that the North Pacific Groundfish Observer Program has one of the most comprehensive levels of observer coverage, and the data collected by observers are critical to monitoring of catch and bycatch. NMFS implemented a similar level of coverage for purse seine vessels in the Eastern Tropical Pacific to monitor the effectiveness of measures to mitigate takes of marine mammals.

Comment 17: One commenter expressed opposition to short-term observer requirements that exceed a scale that NMFS could reasonably be able to implement. The commenter indicated that effective observer programs are difficult to design when a fleet is comprised of many different types of vessels with many different fishing strategies, including many small vessels that operate with only one or two crew members and when staffing is problematic. Further, the commenter stated that increased information from observer programs is only useful to the extent that NMFS has a system in place to integrate that information into fisheries management decisions in an efficient and timely way. Also, the commenter suggested that imposing user fees to defray observer costs fails to acknowledge the slim profit margins on which certain sectors of the U.S. fishing fleet already operate. The commenter believed that these issues explain why observer programs are discretionary rather than mandatory elements of FMPs.

Response: NMFS understands the difficulties involved in designing and implementing effective observer programs, particularly when resources are limited and/or vessels vary considerable in size and ability to accommodate an observer. The NMFS National Observer Program has been working in cooperation with each regional observer program to develop standards for monitoring small vessels, including research into alternative monitoring technologies. For North Pacific fisheries, NMFS has fully integrated observer data into monitoring of TACs and bycatch mortality while the fishery is being conducted. NMFS is implementing methods to ensure greater and more timely access to and use of observer data by NMFS scientists and managers through the implementation of the Fisheries Information System. NMFS is also exploring alternative mechanisms for funding of observer programs, and the statutory authority to implement these alternative funding mechanisms, as mentioned in previous responses.

Comment 18: One commenter stated that it is essential to assess bycatch for all protected species recovery plans and FMPs, and assess the impact of bycatch on marine food webs.

Response: NMFS agrees that the assessment of bycatch and its effect on the ecosystem should be an important element in FMPs and protected species recovery plans. Indeed, the ESA is founded upon the concept that listed species and their critical habitat must be conserved to recover endangered and threatened species. For this reason, ESA recovery plans contain detailed site-specific management actions necessary to address ongoing threats, such as bycatch in fisheries.

2. Incorporation of Bycatch Estimates into All Total Allowable Catch (TAC) Levels and Other Fishing Restrictions

Comment 1: One commenter indicated that adjustments to TACs based on bycatch information are already being made by NMFS analysts who do stock assessments on stocks for which the Gulf of Mexico RFMC and NMFS set TAC. The commenter stated that the levels of fish discarded alive are adjusted by the current estimates of post-release mortality, which are 10 percent to 20 percent for recreational fish that are discarded and 33 percent for commercially discarded fish. These portions of the discarded fish are considered as additional mortality (part of the TAC) in the assessments.

Response: NMFS works with RFMCs to factor bycatch into the setting of fishery TACs or harvest guidelines.

Comment 2: One commenter concurred that ''reasonable'' estimates of bycatch should be used when setting TACs and indicated that the Pacific RFMC/NMFS harvest mortality monitoring and control system distinguishes between bycatch and bycatch mortality and expressed the view that these estimates have been reasonable.

Response: NMFS agrees that reasonable estimates of bycatch mortality should be used when setting TACs.

Comment 3: Several commenters indicated that the NPFMC counts bycatch of groundfish and crab species (whether retained or not) against the applicable TACs for these species and stated that such bycatch is generally not considered a biological problem.

Response: NMFS believes it is appropriate to apply both retained and discarded bycatch in this fishery against TAC levels. NMFS MSA regulations at 50 CFR 600.310(f)(4)(iii) specify that ''All fishing mortality must be counted against OY [optimum yield], including that resulting from bycatch, scientific research, and any other fishing activities.''

Comment 4: One commenter indicated that the Mid-Atlantic RFMC incorporates bycatch estimates into all TAC levels for all species it manages and supports requiring bycatch estimates to be incorporated into TACs.

Response: NMFS agrees with the incorporation of estimates of bycatch into TACs.

Comment 5: One commenter suggested incorporating all sources of mortality, including bycatch, into stock assessments and when establishing TACs.

Response: NMFS incorporates bycatch data, when available, into stock assessments and into setting TACs as stipulated in various FMPs or FMP regulations, and NMFS operational guidelines.

Comment 6: One commenter opposed a mandatory requirement to incorporate estimates of bycatch into all TACs and other restrictions on fishing stating that sufficient data do not exist to do this for most fisheries. The commenter expressed opposition to such a requirement until such time as the bycatch monitoring mandates of the MSA are funded and are given time for a sufficient body of data to be developed upon which to base such estimates.

Response: NMFS supports the inclusion of bycatch estimates in TACs and their consideration in other fishery management measures to the extent that adequate scientific data exist for doing so.

3. Limits on Directed Catch and Bycatch in Each Fishery

Comment 1: One commenter objected to having NMFS set absolute limits on the amount of bycatch that can occur, and specifically opposed the petition's recommendation that a fishery be closed when a bycatch quota is met. The commenter stated the objections were based on the fact that bycatch is already considered when setting TAC for Gulf of Mexico RFMC-managed finfish stocks, and that the bulk of the bycatch in this area has already been reduced to the level practicable by gear technology.

Response: NMFS believes that the level of bycatch for managed species should be considered in the setting of TACs, whether the acceptable level of bycatch is considered prior to setting of TACs for target species as in the Gulf of Mexico RFMC instance referred to by this commenter, or whether a bycatch quota is included in the actual TAC as in the NPFMC. However, reaching a specified bycatch limit may not necessarily require closure of the fishery, particularly when other mitigating measures are in place (e.g., reaching the bycatch limit may trigger an area closure or gear restriction). What is most important is that available information on bycatch should be used in formulating regulatory measures to manage fisheries, including fishery closures, where appropriate.

Comment 2: One commenter indicated that the South Atlantic RFMC would evaluate setting absolute limits on direct catch and bycatch for each fishery and closing the fishery when the limit is met, as additional data become available and if other approaches are not better suited.

Response: NMFS believes that RFMCs should consider all feasible approaches, such as direct catch and bycatch limits, when devising ways to mitigate bycatch.

Comment 3: One commenter stated that most Pacific RFMC fisheries are managed according to optimum yields and believes that total mortality should be the guiding criterion in fishery closure considerations if stock sustainability is the main concern. The commenter expressed the belief that decisions to limit bycatch for the purpose of minimizing waste, which are regulatory discards or economic discards that are not conservation problems, are best made on a case-by-case basis through the RFMC process.

Response: NMFS agrees with the comment.

Comment 4: One commenter disagrees that absolute bycatch limits should be used to close fisheries. The commenter stated that NMFS does not currently have the resources or capability to monitor bycatch, and believes it would be impossible to estimate bycatch on a timely basis and use such quotas as a trigger to close fisheries.

Response: To the extent that NMFS has the resources and capabilities to accurately monitor bycatch on a timely basis, such information could be used to trigger fishery closures if appropriate. For instance, Alaska Region managers are able to open and close groundfish fisheries in the Bering Sea and Aleutian Islands and in the Gulf of Alaska based on attainment of bycatch quotas. However, in some cases, especially with protected resources in which populations are extremely depleted, the interactions are rare and may vary greatly over time and area; thus, the level of observer coverage needed to identify a trigger and effectively respond may not be feasible at this time. In such instances, NMFS will seek to identify other means to monitor levels of take, as required within biological opinions and the MMPA.

Comment 5: One commenter expressed the belief that limits on catch and bycatch should be set, but stated that, as long as bycatch is counted against the TAC, there is no need to close a fishery when some predetermined bycatch limit is reached. The commenter suggests that reserve measures, such as area closures, gear restrictions or similar measures, should be developed on a case-by-case basis that would be triggered when the bycatch limit is reached.

Response: NMFS believes the comment is reasonable and that reaching of a bycatch limit may not necessarily require the closure of the fishery, particularly when other mitigating measures such as area closures or gear restrictions are in place and can adequately address any impacts that the bycatch may be having on the marine resource. Each fishery needs to be evaluated to determine the best means to mitigate bycatch.

Comment 6: One commenter suggested that NMFS identify catch limits of target and non-target species for each fishery, focusing first on populations that are most overfished. The commenter expressed support for moving toward absolute limits on bycatch in select fisheries based on status of the stocks and the life histories of all species affected by the fishery.

Response: NMFS generally agrees with the comment and particularly agrees with the need to set catch limits for target and non-target populations that are most overfished.

Comment 7: One commenter expressed the belief that the forced closure of fisheries when bycatch limits are reached ignores the ''to the extent practicable'' limitation of MSA national standard 9, the ''optimum yield'' requirements of MSA national standard 1, and the fishing community protection requirements of MSA national standard 8. Instead, the commenter supports the prohibited species catch (PSC) limits approach where practicable as employed by the NPFMC and NMFS in North Pacific fisheries (i.e., NPFMC exempting certain PSC bycatch limits when bycatch is negligible - low enough to make further reduction unnecessary from a biological standpoint and impracticable from a socio-economic standpoint).

Response: NMFS supports the flexibility that each RFMC has in developing appropriate conservation and management measures consistent with the MSA. At the same time, RFMCs and NMFS must consider the impact of the recommended and alternative actions on the environment.

Comment 8: One commenter opposed setting absolute limits on directed catch and bycatch because in many cases sufficient information is not available to even grossly estimate such limits for target species, let alone non-target species. The commenter supports incorporating such limits within FMPs once sufficient monitoring data is available to develop such limits.

Response: Normally NMFS does not support the incorporation of directed catch or bycatch limits for purposes of closure where sufficient monitoring data are not available. There may be instances where directed catch or bycatch limits need be imposed, based on the best available information, in order, for example, to safeguard a protected species or an overfished stock.

4. Bycatch Assessment and Reduction Plans

Comment 1: One commenter indicated that a requirement for observer programs for fisheries in which bycatch does not occur would be an onerous and costly strain on limited management staff and resources.

Response: NMFS agrees that mandatory observer programs for fisheries that utilize very selective gear or that fully utilize target and nontarget catch would normally represent an inappropriate strain on management resources. However, we do not believe that the 4th component of the petition for rulemaking requests observer coverage for all fisheries. Rather, the 4th component of the petition requests a description of the level and type of observer coverage necessary to accurately characterize total mortality (including bycatch) in a fishery. Such a description could determine that no observer coverage is necessary to accurately characterize mortality for certain fisheries. The approach to standardized bycatch reporting methodology that NMFS is developing, as discussed below, will be useful in determining the needs of individual fisheries.

Comment 2: One commenter suggested that for fisheries in which there are very little available data on bycatch due to very low levels of bycatch in the fisheries, assessing bycatch within a 12–month period would require substantial levels of observer coverage, which would be costly and inefficient effort that would have devastating effects on fishermen.

Response: We believe that fisheries for which insufficient bycatch data exist should be subject to increased data collection efforts if bycatch is perceived to be a problem. Monitoring efforts such as observer programs are very costly, and limited NMFS resources should be devoted to fisheries in which bycatch data are poor and where bycatch is perceived to be problematic. We agree that the 12–month time frame in the petition for developing, approving, and implementing bycatch assessment plans for commercial and recreational fisheries would be infeasible for most fisheries. While 12 months may be feasible for developing and seeking approval, this time frame would likely be insufficient for full (non-emergency) rulemaking.

Comment 3: Two commenters indicated that two RFMCs have already implemented bycatch assessment and reduction plans for almost all of their fisheries in compliance with national standard 9 in Section 301 of the Sustainable Fisheries Act (SFA).

Response: NMFS agrees that the efforts of various RFMCs over the past few years to address bycatch have largely accomplished the objectives of the bycatch assessment and reduction plans described in the 4th component of the petition for rulemaking. Some RFMCs have accomplished the objectives more completely than others, and this variation among RFMCs in addressing bycatch will be assessed by NMFS as part of its National Bycatch Strategy discussed below. One result of the assessment may be a checklist for the purpose of ensuring that all FMPs achieve a standard level of bycatch assessment and reduction.

Comment 4: Several commenters suggested that the petition's 12–month time frame for completing bycatch assessments and the rulemaking process would be virtually impossible to comply with due to time-intensive monitoring requirements and the RFMC process. Another commenter thought that implementing bycatch assessment and reduction plans for commercial and recreational fisheries was a good idea but that a 2–year or even a 5–year time frame would be more appropriate to allow a realistic amount of time to implement data collection programs and fishery management plan amendments.

Response: We agree that bycatch assessment and reduction plans for commercial and recreational fisheries are desirable and believe that elements of these plans are available for many fisheries in which bycatch data are abundant. Because other fisheries, especially recreational fisheries, have not been subject to long-term and rigorous bycatch assessment and reduction efforts, NMFS agrees that for many fisheries the 12–month time frame would not realistically allow for the implementation of bycatch assessment and reduction plans as outlined in the 4th component of the petition for rulemaking.

Comment 5: Several commenters suggested that the petition's directive that NMFS prohibit fishing in any fishery lacking a functioning bycatch plan 12 months after rulemaking commences represents an unduly severe burden on the fishing industry.

Response: NMFS has disapproved FMP amendments or portions thereof that inadequately addressed the bycatch requirements of the SFA. Examples include the partial disapproval of: Amendment 8 to the FMP for Pelagic Fisheries of the Western Pacific Region; Amendment 6 to the FMP for Bottomfish/Seamount Groundfish Fisheries of the Western Pacific Region; Amendment 12 to the FMP for Summer Flounder, Scup, and Black Sea Bass (only the bycatch provision for scup was disapproved); and the generic SFA amendment to all of the Gulf of Mexico FMPs. We believe that it is worthwhile to investigate the creation of uniform standards for bycatch assessment and reduction for all FMPs governing commercial and/or recreational fisheries based on the requirements listed in the 4th component of the petition for rulemaking. Nonetheless, NMFS believes that total fishing prohibitions for fisheries lacking bycatch plans within a 12–month time frame are inappropriate.

Comment 6: One commenter indicated that it would be impractical to assess fishery bycatch in relation to ''the impact of that bycatch on bycaught species and the surrounding environment'' because such data are not currently monitored and are unavailable.

Response: NMFS believes that the ecosystem effects of bycatch are an important consideration of fishery management. Nonetheless, we agree with the above comment that for many commercial and recreational fisheries, the ecosystem effects of bycatch are poorly understood due to monitoring limitations. NMFS has limited resources to fund the monitoring of bycatch and ecosystem effects of bycatch, and those resources, including resource-intensive observer programs, have to be prioritized to address fisheries with problematic levels of bycatch.

Comment 7: One commenter agreed with the petition's requirement that bycatch plans consider the various species with which a single fishery interacts, as well as the effects of multiple fisheries on a single stock, in order to create broad-based plans where the likelihood of compliance, effective enforcement, and success is optimal.

Response: We agree that these factors should be fully considered for fisheries where data have been collected on fisheries interactions, and managers should identify areas where fisheries interaction data are lacking and create plans to improve data collection. These factors are considered in most cases during the FMP creation process and addressed in the National Environmental Policy Act (NEPA) process.

Comment 8: One commenter expressed reservations about the petition's recommendation to use incentives for those who use gears that produce less bycatch because of unintended consequences that might occur when segments of the fishing industry change gears from a gear that causes one type of bycatch problem to another gear that causes a different type of bycatch problem.

Response: NMFS recognizes this problem and strives to fully analyze the various consequences of management actions, whether they be closed areas, gear restrictions, or fishermen's incentives.

Accomplishments and Ongoing Activities

NMFS and the RFMCs have undertaken many activities to both quantify and reduce bycatch. The most successful of these have required a comprehensive understanding of the type of and cause of bycatch, and cooperation between NMFS scientists, managers, RFMCs, and the fishing industry in implementing measures that are effective in reducing bycatch yet result in minimal impacts to fishermen.

NMFS is in the process of compiling summary information on a regional basis that identifies: bycatch species (fish, sea turtles, marine mammals, seabirds, corals); bycatch data collection methods being used (logbooks, observer programs, dockside sampling, etc.); percentage of coverage in observed fisheries; bycatch estimates where available; gear requirements or prohibitions; and other management measures being used to reduce bycatch. This summary information is being compiled in matrix form and will be made available in the near future on a dedicated NMFS bycatch website (*http://www.nmfs.noaa.gov/bycatch.htm*) linked from the NMFS homepage. NMFS plans for its new bycatch website, unveiled in January 2003, to eventually contain information about bycatch regulations and policy, bycatch-reduction research, bycatch experts, bycatch data sets, conferences/workshops, and technology-transfer efforts that will assist the public in understanding the bycatch problem, the efforts that have been taken and are being taken to address the bycatch problem, and the commitment of NMFS to meeting its bycatch goal. Following are some examples of progress made to date to quantify and reduce bycatch, and a summary of key ongoing activities.

A. Gear Technology and Fish Behavior Research

Prior to the enactment of the SFA, NMFS established a national team which produced the 1998 report *Managing the Nation's Bycatch* available at *http://www.nmfs.noaa.gov/bycatch.htm*. This comprehensive report identified a number of high-priority needs in the area of gear technology and selectivity and fish behavior research. As is described below, some of the research has been devoted to fisheries interactions that are not defined as bycatch in the SFA, because the SFA defines bycatch in terms of fish, which is defined as ''finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals and birds''. However, *Managing the Nation's Bycatch* expanded the management concept of bycatch to include marine mammals, and seabirds. In 2001, NMFS formed the NMFS Gear Technology Working Group, and this group is helping to organize national priorities for gear technology research and ensure sustainable funding.

At the Alaska Fisheries Science Center (AFSC), gear technology research and research on the behavioral responses of fish both to fishing gear and to the stresses imposed by coming in contact with fishing gear have contributed substantially to efforts to address the bycatch problem. Species-specific differences in the response to fishing gear have been identified and used to develop gear modifications that increase the escapement of juvenile fish and other fish that would be discarded if caught. Examples of the gear modifications that have been developed include: (1) excluder grates to decrease halibut bycatch in the Alaska flatfish and Pacific cod trawl fisheries; (2) trawl modifications to decrease rockfish bycatch in west coast sole fisheries; (3) grates and square mesh in trawl codends to reduce the bycatch of juvenile pollock in the Alaska pollock fisheries; and (4) excluders and large mesh to reduce skate bycatch in Alaska trawl fisheries. Research on the differences in the responses of salmon and pollock to trawl gear has been completed and it is expected to result in the development of gear modifications to decrease salmon bycatch in the pollock fisheries. These types of fish behavior and gear technology research have generally been successful in identifying and implementing gear modifications that increase the escapement of select species of sizes of fish.

Additionally, in gear research conducted by the Washington Sea Grant Program (WSGP) and partially funded by a NOAA Saltonstall-Kennedy grant, seabird avoidance gear devices for use in the groundfish and halibut longline fisheries off Alaska were tested and found to significantly reduce the incidental catch of seabirds. NMFS is in the process of revising regulatory requirements for longline vessel operators off Alaska, based on this WSGP research.

As new methods are developed for increasing the escapement of select species or sizes of fish, there is an increased need to estimate escapement mortality. If the escapement mortality rates are very high, increased escapement simply replaces one type of bycatch mortality (e.g., discard mortality) with another type of bycatch mortality (i.e., escapement mortality), and the latter is unobserved, and, therefore, often more difficult to estimate. Examples of escapement and discard mortality research being conducted by the AFSC include: (1) research to determine the escapement mortality rate for juvenile pollock and to develop methods and equipment for use in future survival studies; (2) research on the factors that affect the escapement and discard mortality rates for halibut; and (3) research on the injury rates of red king crab that encounter and escape bottom trawl footropes on the sea floor.

At the Southwest Fisheries Science Center (SWFSC), satellite tracking of sea turtles is revealing significant new information on sea turtle habitat, movement patterns, and post-hooking survival. Approximately 50 turtles have been tracked with conventional ARGOS transmitters, and about 20 turtles have been tracked with 'pop-up' satellite tags. ARGOS transmitters indicate that sea turtles survive for many months after release from longline gear. The pop-up tags will provide more long-term information on post-hooking survival rates indicating whether turtles survive for 6 months or longer after release from longline gear. Post-hooking survival is also being correlated with the condition of released turtles.

SWFSC scientists have initiated research to develop gear and technique modifications to reduce the incidental take of sea turtles in the Hawaii-based pelagic longline fishery. The development of turtle-safe longline gear and turtle-safe fishing techniques are also needed to foster collaborative efforts with foreign fishing fleets in addressing the sea turtle bycatch problem on a world-wide basis. Although the research has been stalled due to litigation, NMFS remains committed to finding cost-effective approaches for protecting and conserving sea turtles while sustaining our domestic longline fisheries.

In 2001, the Southeast Fisheries Science Center, in cooperation with the U.S. pelagic longline fishing industry, the SWFSC, the Northeast Fisheries Science Center, and the University of Florida, began a research effort to investigate the feasibility of gear modifications and fishing practices to reduce the incidental capture of endangered and threatened sea turtles by pelagic longline fishing gear. NMFS gear specialists are working with fishermen and state and university researchers to gain insight into fishing gear and fishing practices to develop mitigation measures to reduce turtle interactions with longline gear. Prototype mitigation techniques are being developed using captive reared turtles in controlled experiments and these techniques are being evaluated on commercial fishing vessels in the Atlantic pelagic fishing grounds. These studies are ongoing and include evaluation of de-hooker and line cutter prototypes to allow removal of fishing gear from turtles; bait types and hook designs developed to reduce hooking rates and the severity of hooking of sea turtles; satellite tags to determine survival, distribution, and behavior of sea turtles released from fishing gear; and operational changes in fishing practices to reduce turtle interactions.

There have been several successful efforts by commercial fishermen and scientists in the Northeast to develop fishing gear with greater selectivity for a particular species, thus allowing the commercial fishing industry access to areas that have been closed to fishing due to declining groundfish stocks or entanglement mortality of marine mammals. Most notable among bycatch reduction efforts has been the use of sound producing devices called ''pingers'' in the sink gillnet fishery. Pingers that emit intervals of high frequency sound work well in deterring harbor porpoise from being entangled in fixed sink gillnets. In addition, various configurations of fish excluder devices have been tested and proven successful for the Northern shrimp fishery, which utilizes small-mesh net materials that are capable of catching groundfish species as bycatch.

The Nordmore grate was introduced to the Northwest Atlantic shrimp fishery after successful deployment by northern European shrimp fishermen. This grate allows large fish to slide up and out of the net, while at the same time allowing the smaller shrimp to pass through the grate into the codend for harvest. Shrimp fishing has been demonstrated to be more efficient using the grate. The Pandalid shrimp fishery has been successful in reducing finfish bycatch, particularly bycatch of Atlantic cod, to less than 5 percent of total catch in most areas. Current research projects are looking at similar grates with horizontal configurations to allow harvest of flatfish such as flounders while protecting round fish such as cod, haddock, and pollock.

Similar small mesh fisheries in waters off the coast of Massachusetts and Georges Bank targeting silver hake or whiting have benefitted from the development of otter trawl gears with ''raised footropes.'' Cape Cod and Massachusetts Bay fishermen developed and tested the raised footrope trawl to protect flounder species while allowing fishing for whiting during summer months. This innovative gear has reduced flounder bycatch in the whiting fishery by as much as 40 percent to 50 percent. The raised footrope trawl has been incorporated into the Georges Bank groundfish management plan and is being further tested in the Gulf of Maine. Additionally, various configurations are being researched using numerous short vertical dropper chains attached to the mouth of the net instead of the long horizontal ''tickler'' chain that is attached below the mouth of the net.

B. NMFS Observer Programs

Observers provide the most reliable source of high quality, objective, fishery-dependent data. Observers provide information on all aspects of fishing operations, including total removal levels of catch and bycatch, biological samples and weights and measurements for life history research, temporal and spatial fishing strategies, and socio-economic data on fish loss and operating costs. They assist in special research activities, such as tagging and tracking of released animals. They also collect oceanographic and climate data for an ecosystem approach to fisheries and protected species management.

NMFS has seen an expansion in observer programs since the passing of the SFA. This has partly been in response to national standard 9, which requires that FMPs include conservation and management measures, to the extent practicable, that (a) minimize bycatch and (b) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch. Observers provide a reliable platform for observations regarding bycatch–data that may not be available through other sources if there is release or discard of unwanted catch at sea.

NMFS has approved and implemented 43 FMPs (41 of these were developed by RFMCs) and manages 143 distinct fisheries within these FMPs under the authority of the MSA. Another 178 fisheries operate in Federal waters that are currently not managed under an FMP. Since 1996, the number of commercial fisheries observed has doubled from 13 to 26 fisheries. In addition, NMFS observes a limited number of recreational fisheries. For example, NMFS' large pelagics survey conducts at-sea observations of catch (including bycatch) by headboats that target Atlantic highly migratory species (HMS). Also, NMFS plans to implement a new data collection methodology utilizing on-board observations of catch (including bycatch) for headboats in non-HMS Atlantic recreational fisheries as part of NMFS' Marine Recreational Fisheries Statistics Survey.

NMFS established a National Observer Program office within the headquarters Office of Science and Technology in 1999. The mission of this office is to provide a formalized mechanism for NMFS to address observer issues of national importance and to develop policies, plans, and procedures to ensure that observers and observer programs are fully supported. The policies, plans, and procedures reflect the diverse needs of regional observer programs while enhancing data quality and achieving consistency in key areas of national importance. This office is aided by an intra-agency advisory team comprised of representatives from each NMFS headquarters office and region. The team functions to identify issues of national concern, recommending or establishing, where appropriate, priorities for national research and problem solving, and supporting information collection and program implementation. The National Observer Program office has convened several workshops and an international conference to this end.

In addition to its role in policy development, the National Observer Program has been a driving force in the development and tracking of budget initiatives to modernize and expand observer programs. The program also serves as a clearinghouse for information regarding each of the regionally-implemented observer programs. General information about NMFS observer programs can be found on the National Observer Program's website, at *http://www.st.nmfs.gov/st1/nop/*.

C. Selected Accomplishments and Ongoing Activities under the MSA

In the over two decades since enactment of the MSA, the RFMCs and NMFS have taken many and varied actions to address bycatch. The RFMCs and NMFS have worked particularly hard to ensure that MSA bycatch requirements are reflected in management measures after the 1996 SFA amendments to the MSA focused additional attention on the issue of bycatch. Regional examples of progress are provided below.

1. Alaska Region: Bycatch Management in the Groundfish Fisheries

The bycatch of Pacific halibut, crab, Pacific salmon, and Pacific herring in the Alaska groundfish fisheries has been an important management issue for more than 20 years. To address this problem, the NPFMC recommended and the Secretary of Commerce approved and implemented a variety of management actions that were intended to help control the bycatch of these prohibited species in the groundfish fisheries. Since the late 1980s, the bycatch of groundfish in the groundfish fisheries has also been a major management issue. Through 1996, 35 amendments to the BSAI and GOA groundfish FMPs were intended principally or in part to manage the bycatch of prohibited species and groundfish.

The initial groundfish FMPs and amendments to them prior to the SFA included a variety of bycatch management measures, including prohibitions on the retention of specific non-groundfish species, which are referred to as prohibited species, time and area closures and seasonal apportionments of groundfish quotas, gear restrictions, groundfish quota allocations by gear type, reductions in some groundfish quotas, extensive at-sea and on-shore observer programs to monitor bycatch, extensive requirements for reporting catch and product utilization, prohibited species catch (PSC) limits, a vessel incentive program (VIP) with civil penalties for fishing vessels that exceed established bycatch rates for Pacific halibut or red king crab, a prohibition on roe-stripping, required retention of Pacific salmon bycatch until counted by an observer, individual fishing quota (IFQ) management for the fixed-gear Pacific halibut and sablefish fisheries, target fishery definitions, and careful release regulations for longline fisheries. Additional measures that initially were considered before the SFA include: (1) a harvest priority program that would reserve part of the groundfish quotas or seasons for vessels that meet specific bycatch standards; (2) regulations that would both prohibit at-sea discards of the major groundfish species and limit the percentage of the catch that is not used to produce products for human consumption; (3) individual transferable bycatch quotas; and (4) methods to decrease the time between capture and release of Pacific halibut in groundfish trawl fisheries.

The at-sea observer program has been a critical element of the bycatch management regime for the Alaska groundfish fisheries for almost 30 years. The program was developed for the foreign fleets before the Fishery Conservation and Management Act (FCMA) was implemented and was extended to the domestic fishery once domestic vessels had all but replaced foreign fishing and processing vessels. The observer program resulted in fundamental changes in the nature of the bycatch problem. First, by providing good estimates of total groundfish catch and non-groundfish bycatch by species, it eliminated much of the concern that total fishing mortality was being underestimated due to fish that were discarded at sea. Second, it made it possible to establish, monitor and enforce the groundfish quotas in terms of total catch as opposed to only retained catch. For the groundfish fisheries, this means that both retained catch and discarded catch are counted against the TACs. Third, it made it possible to implement and enforce PSC limits. Finally, it provided extensive information that managers and the industry could use to assess methods to reduce bycatch and bycatch mortality. In summary, the observer program provided fishery managers with the information and tools necessary to prevent bycatch from adversely affecting the stocks of the bycatch species. Therefore, the bycatch in the groundfish fishery is principally not a conservation problem, but it can be a contentious allocation problem. Although this does not make it less controversial, it does help identify the types of information and management measures that are required to reduce bycatch to the extent practicable, as is required by the MSA.

Several post-SFA amendments to the GOA groundfish FMP were intended to decrease bycatch, including Amendment 59 (Cape Edgecombe

Pinnacle Closure) and Amendment 60 (Cook Inlet Bottom Trawl Ban). In addition, several post-SFA amendments to the BSAI groundfish FMP were intended to decrease bycatch, including:

(1)Amendment 37, which modified red king crab PSC limits and established trawl closure areas in nearshore Bristol Bay;

(2)Amendment 39, which established a license limitation system;

(3)Amendment 46, which modified allocation of Pacific cod by gear type;

(4)Amendment 40, which established PSC limits for *C. opilio* crab in trawl fisheries and a bycatch limitation zone;

(5)Amendment 49, which established a mandatory retention program for pollock, Pacific cod, yellowfin sole and rock sole (IRU); and

(6)Amendment 50, which allowed donation of halibut to foodbanks.

2. Atlantic HMS

In addition to the closed areas (areas of South Atlantic Bight, Gulf of Mexico, and off New Jersey), observer coverage, reporting requirements, dead discard accounting, and bycatch limits already in place for U.S. fishermen, the United States implemented new measures in 2002 to reduce bycatch in Atlantic HMS fisheries. These measures include:

a. *Sea turtle bycatch reduction*. New information on the sea turtle population status led NMFS to conclude that continued operation of the Atlantic pelagic longline fishery jeopardized endangered leatherback and threatened loggerhead sea turtles. Accordingly, per the requirements of a Biological Opinion (June 2001) and a final rule (67 FR 45393), NMFS closed the Grand Banks fishing area to U.S. vessels using pelagic longline gear. The Grand Banks has traditionally been an area of high swordfish catch as well as high sea turtle bycatch. Closure of the Grand Banks should decrease sea turtle bycatch by approximately 60 to 75 percent overall. The only pelagic longline fishing by U.S. pelagic longline fishing vessels currently allowed in the Grand Banks is under an experiment designed to test fishing techniques that will reduce interactions with sea turtles. Several other foreign countries fish on the Grand Banks, which is in international waters, so it is important to develop fishing techniques that those foreign fleets could use to reduce interactions. In addition to the closure of the Grand Banks, all longline fishermen are required in the Atlantic HMS fisheries to carry and use line clippers and dipnets to disentangle, and follow specific handling and release techniques to ensure survivability of, sea turtles caught incidentally to fishing operations.

In support of its domestic actions, the United States has been pursuing action relative to bycatch reduction measures within the International Commission for the Conservation of Atlantic Tunas (ICCAT). ICCAT is the international body charged with coordinating the management of HMS throughout the Atlantic Ocean and adjacent seas. At its 2002 meeting, ICCAT adopted a resolution on seabirds that urges parties to collect and provide data on seabird interactions, including incidental catches in ICCAT fisheries. ICCAT's science body, the Standing Committee on Research and Statistics (SCRS), is to assess the impact of the incidental catch of seabirds in ICCAT fisheries when feasible and report its findings. The measure also calls on parties to inform SCRS and the ICCAT Commission of the status of their National Plans of Action for Reducing Incidental Catches of Seabirds in Longline Fisheries and to implement the International Plan of Action on seabirds if they have not already done so. A resolution on sea turtles was discussed but not adopted at the 2002 ICCAT meeting. Among other things, the measure called on parties to voluntarily release turtles incidentally captured and to share information on safe handling; to collect and report information on sea turtle interactions in all ICCAT fisheries, and to provide information on other impacts on sea turtles in the Convention area, such as deterioration of nesting sites. Given concerns expressed about the proposal and the lack of time for full discussion, it was agreed that an effort would be made to revise the proposal after the ICCAT meeting and, if appropriate, to circulate it for mail vote.

b. Shark finning prohibition (applies in all areas subject to U.S. jurisdiction. In December 2000, the President signed into law the Shark Finning Prohibition Act, which bans nationwide the practice of removing the fins from a shark and discarding the carcass. That Act is intended to minimize waste and mortality of shark bycatch. On February 11, 2002, NMFS published a final rule (67 FR 6194–6202) to prohibit persons onboard any domestic vessel anywhere and foreign fishing vessels in the U.S. exclusive economic zone (EEZ) from engaging in shark finning, and to prohibit landing of shark fins without the corresponding carcasses by domestic and foreign fishing vessels. In addition, the final rule prohibited imports of fins harvested through the practice of finning.

3. Southwest Region: HMS Bycatch Efforts

The Southwest Region has been supporting the Pacific Fishery Management Council's (PFMC) efforts to develop an FMP for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP). The PFMC recently adopted the HMS FMP for submission to NMFS for review and approval in 2003. SFA bycatch requirements were among the critical aspects of the HMS FMP. The HMS FMP would:

(1)maintain the bycatch reduction achieved by current controls on HMS fisheries through state and Federal regulatory action under other authorities (e.g., state laws and regulations, MMPA and ESA);

(2)promote additional reduction through a catch-and-release program for recreational fisheries, including promotion of fish handling and release procedures to minimize harm and mortality from catch and release of HMS; and

(3)establish mandatory observer programs for fishery sectors not currently observed in order to measure actual bycatch and ultimately develop new bycatch avoidance and bycatch mortality avoidance gear and fishing techniques.

It should be noted that the HMS FMP would incorporate measures to minimize and control the take of sea turtles in the drift gillnet fishery for swordfish and sharks. The HMS FMP also would include provisions requiring that U.S. longline vessels operating out of the West Coast employ seabird avoidance gear and techniques as required of U.S. longline vessels operating under Western Pacific longline limited entry permits. The FMP also would prohibit West Coast based longline vessels fishing west of 150° W. long. from engaging in swordfish targeting (i.e., they would be under the same controls as longline vessels with Western Pacific longline limited entry permits). The FMP also would include framework procedures to facilitate rapid adoption of new measures as new problems are identified or solutions are developed, including measures to resolve future bycatch problems. Finally, under the FMP as approved late in 2002, West Coast based longline vessels would have been permitted to target swordfish if fishing east of 150° W. long. However, in response to a request from the Southwest Region, the PFMC has agreed to delay submitting the FMP to allow NMFS to conduct a rigorous scientific review of new data to determine if this would pose too high a risk of an unacceptable level of interactions with sea turtles. The PFMC will discuss this matter at its March 2003 meeting and may reconsider its decision on this measure in June 2003.

4. Southwest Region: Pelagic Longlining and Sea Turtles

In June 2002, NMFS issued a final rule implementing a regulatory amendment under the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region intended to minimize or prevent, injury to and mortality of sea turtles accidentally caught by hook-and-line fishing. The intent of the rule is to reduce interactions between endangered and threatened sea turtles and pelagic fishing gear and to mitigate the harmful effects of interactions that occur. The rule applies to the owners and operators of all vessels fishing for pelagic species under Federal western Pacific limited access longline permits (longline vessels) within the U.S. EEZ and the high seas around Hawaii, as well as those fishing for pelagic species with other types of hook-and-line gear (non-longline pelagic vessels) within the EEZ around Hawaii, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, Midway, Johnston and Palmyra Atolls, Kingman Reef, and Wake, Jarvis, Baker, and Howland Islands (western Pacific region). This rule: (1) prohibits targeting swordfish north of the equator by longline vessels; (2) closes all fishing to longline vessels during April and May in waters south of the Hawaiian Islands (from 15° N. lat. to the equator, and from 145° W. long. to 180° long.); (3) prohibits the landing or possession of more than 10 swordfish per fishing trip by longline vessels fishing north of the equator; (4) allows the re-registration of vessels to Hawaii longline limited access permits only during the month of October; (5) requires all longline vessel operators to annually attend a protected species workshop; and (6) requires utilization of sea turtle handling and resuscitation measures on both longline vessels and non-longline pelagic vessels using hook-and-line gear.

5. Southeast Region: Gulf Shrimp Bycatch

Shrimp trawls have a significant, inadvertent bycatch of non-target finfish and invertebrates. Important fish species in the shrimp fishery bycatch include juveniles of red snapper, king and Spanish mackerel, and sharks. Current estimates indicate that roughly 34 million-juvenile red snappers are caught annually by shrimp trawlers, with approximately an 88–percent mortality rate. The Gulf of Mexico Fishery Management Council (GMFMC) developed Amendment 9 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (Gulf Shrimp FMP) which went into effect in 1998 to reduce the bycatch of juvenile red snappers while, to the extent practicable, minimizing adverse effects on the shrimp fishery. Amendment 9 requires the use of NMFS-certified bycatch reduction devices (BRDs) in shrimp trawls towed in certain areas of the Gulf of Mexico exclusive economic zone. To be certified, these BRDs, in conjunction with a vessels turtle excluder device (TED), must reduce the shrimp trawl bycatch mortality of age 0 and 1 red snapper by a minimum of 44 percent from the average level of mortality on these age groups during 1984–89.

The Gulf Fisheye and Jones-Davis BRDs, which were developed by commercial fishermen, met this criterion and were certified for use when the final rule implementing Amendment 9 became effective in 1998. Since 1998, shrimp trawl bycatch mortality of finfish has been reduced by 40 percent, and a 50 percent reduction appears reasonable with refinements to the Gulf Fisheye BRD or more extensive use of the Jones-Davis BRD. Since development of the recovery plan in 1989, directed landings of red snapper have increased from 3.9 million lbs. (1,769 mt) in 1990 to 9.12 million lbs. (4,136.8 mt) in 2001. Shrimp landings have increased since 1998 from 230 million lbs. (104,328 mt) to 256 million lbs. (116,121.6 mt) in 2001. In addition to reducing the shrimp trawl bycatch of red snapper, use of the Gulf Fisheye BRD also reduce the shrimp trawl bycatch of Atlantic croaker, spot, and butterfish significantly.

6. Northwest Region

In March 2002, NMFS implemented a final rule for its groundfish annual specifications and management measures. This regulatory package notably revised the PFMC approach to managing of fisheries to reduce bycatch and discard of overfished groundfish species. This new approach calculated the co-occurrence of overfished species taken in fisheries for more abundant stocks. In analyzing these co-occurrences, analysts found seasonal variations in the rates at which overfished species were taken in fisheries for more abundant species. The PFMC then used this co-occurrence analysis to set trip limits and other management measures such that the groundfish fisheries had more access to abundant stocks during periods when overfished species co-occurrence rates were low. Further, the co-occurrence ratios were used to guide the PFMC's recommendations during the year so that no changes to management measures would result in increased bycatch and/or discard of overfished species.

In May 2002, NMFS implemented a bycatch allowance for Pacific halibut in the commercial, limited entry primary sablefish fishery in Federal waters between the U.S./Canada border and Pt. Chehalis, Washington. Retention of incidental halibut caught in the primary sablefish fishery is only allowable when the overall Washington, Oregon, California total allowable catch for Pacific halibut is above 900,000 lbs. (408.2 mt) which it was in both 2001 and 2002. For 2002, a quota of 88,389 lbs. (40.1 mt)of halibut was allocated to the limited entry primary sablefish fishery as a bycatch allowance.

In September 2002, NMFS implemented new depth-based management measures in the Pacific Coast groundfish fishery for September-December 2002. These depth-based management measures are designed to allow the harvest of healthy groundfish stocks while protecting areas where overfished species are commonly found. An emergency rule established a darkblotched rockfish conservation area (DBCA) extending from the U.S./Canada border to 40°10' N. lat. and between approximately 100 fathoms and 250 fathoms. This emergency rule maintained the closure to trawling with groundfish gear where darkblotched rockfish are commonly found, but allowed limited entry trawl access to healthy deepwater groundfish (seaward of 250 fathoms) and nearshore groundfish (shoreward of 100 fathoms) stocks outside of the DBCA.

Throughout 2002, NMFS has also supported a number of exempted fishing permits (EFPs) in the Pacific Coast groundfish fishery with the goal of these EFPs being used to develop fishing technologies that can be applied on a fleet-wide basis to minimize the bycatch of overfished species. These EFPs test fishing strategies and/or gear types in an effort to harvest healthy groundfish stocks while minimizing bycatch of overfished species. Additionally, many of the EFPs have full retention programs that allow overages to be forfeited to the states for charitable donations.

7. Northeast Region

Under the sea scallop Fishery Management Plan, bycatch of finfish has been reduced by establishing minimum mesh requirements for the net material on the top of a scallop dredge (referred to as the ''twine top''). The twine top is the primary location where finfish escape the dredge, and larger mesh improves escapement, especially of flatfish. This mesh size was increased in 1999 from 5–1/2 inches (13.97 cm) to 8 inches (20.32 cm). In addition, under some of the access programs that have allowed sea scallop dredge fishing in areas closed to protect juvenile scallops and/or Northeast multispecies, the mesh size has been increased to as much as 10 inches (25.4 cm) to ensure that bycatch is eliminated.

Under the Northeast (NE) Multispecies FMP, a significant bycatch management measure was implemented beginning in 1994 under a Secretarial emergency action (and permanently implemented under Framework Adjustment 9 to the FMP in 1995), and which was made further inclusive under Amendment 7 to the FMP in 1996. This measure prohibits all vessels, regardless of what fishery it is targeting, from fishing in the Gulf of Maine, Georges Bank or Southern New England waters, unless the vessel is fishing under a NE multispecies or sea scallop day-at-sea, or unless the fishery has been determined to have less than 5–percent bycatch of regulated NE multispecies, or the vessel is fishing with handgear or exempted gear (gear deemed not to be capable of catching NE multispecies).

Other bycatch reduction measures under the NE multispecies FMP include mesh size restrictions starting in 1982 and increasing over the years to as high as 6.5 inch (16.51 cm) and 7.0 inch (17.78 cm) mesh size nets implemented under a recent interim action, some of the largest mesh sizes for groundfish in the world. Large year-round and seasonal closure areas have also been implemented under the FMP over the years to help protect fish when concentrated or when spawning. Also, gear prohibitions, such as a prohibition on pair-trawling and brush-sweep trawls, in 1994 and 1999, respectively, have also contributed to reducing bycatch.

Under the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan, NOAA Fisheries, Northeast Region implemented Gear Restricted Areas (GRAs) in the Mid-Atlantic Bight in 2000. GRAs had been recommended by the Mid-Atlantic Fishery Management Council (MAFMC) to reduce bycatch of small scup in small-mesh fisheries. These GRAs regulate the use of otter trawls with codend mesh less than 4.5 inches in size in areas and times that were identified as having high scup discards, specifically by vessels fishing for Loligo squid, black sea bass, and silver hake (whiting). The Northern GRA (located off the coast of Rhode Island and New York) is effective November 1 through December 31; the Southern GRA (extending from southern New Jersey to the border between Virginia and North Carolina) is operative January 1 through March 15.

D. Selected Accomplishments and Ongoing Activities under the ESA

NMFS is undertaking a proactive program to address sea turtle bycatch in state and Federal fisheries. On July 31, 2001 (66 FR 39474), NMFS published a comprehensive strategy to address sea turtle capture in fishing gear. Numerous fisheries have been implicated in the incidental capture of sea turtles along the Atlantic and Gulf of Mexico coasts. Both state and federally managed fisheries are involved as well as fisheries operating outside of a management plan, including recreational and international fisheries. Data available on the magnitude of the problem vary by fishery and area. The issue is a gear-type problem, rather than a specific target fishery problem. Certain types of gear are more prone to incidentally capturing turtles than others, depending on the nature of the gear, the way the gear is fished, and the time and area within which it is fished. Incidental take of sea turtles in fisheries has mostly been addressed with ESA section 7 consultation process on FMPs. This approach does not allow the integration of state-managed fisheries or fisheries in Federal waters that are not operating under an FMP and that do not fall under the requirements of Section 7, since no Federal activity is involved.

Major goals of the sea turtle bycatch strategy are to increase effectiveness in management and prioritize fishery interaction concerns. To achieve these goals, NMFS will: (1) continue to improve stock assessments for each stock/species of sea turtle; (2) improve and refine estimation techniques for the takes of sea turtles to ensure that the criteria for recovery are being met consistent with ESA mandates; (3) continue to improve the estimation or categorization of sea turtle bycatch by gear type and fishery; (4) evaluate the significance of bycatch by gear type; (5) convene specialist groups to prepare plans for reduction of takes for gear types with significant levels of take; and (6) promulgate ESA and MSA regulations implementing plans developed for take reduction by gear type.

E. Selected Accomplishments and Activities under the MMPA

The MMPA provides a complex system for controlling bycatch of marine mammals by commercial fisheries. NMFS implements this system through regulations at 50 CFR Part 229 for authorization for commercial fisheries under the MMPA and several other inter-related programs and actions. NMFS' Office of Protected Resources works with the National Observer Program to provide observer coverage under the MMPA. NMFS summarizes observer data in stock assessment reports, which NMFS prepares and periodically updates in accordance with the MMPA. In these stock assessment reports, NMFS estimates bycatch of marine mammals by commercial fisheries as provided under the MMPA. Stock assessment reports provide much of the data that NMFS uses to classify fisheries and publish the List of Fisheries under the MMPA.

NMFS implements bycatch reduction of marine mammals under the MMPA through take reduction teams and plans. The MMPA provides that NMFS must develop and implement a take reduction plan designed to assist in the recovery or prevent the depletion of each strategic stock of marine mammals that interacts with commercial fisheries that have frequent (Category I) or occasional (Category II) incidental mortality and serious injury of marine mammals. The MMPA provides the process by which NMFS is to develop take reduction plans through take reduction teams. Plans may include several types of measures to protect or restore marine mammal stocks, including fishery specific limits on bycatch, time or area restrictions, alternative gear or techniques and new technologies, education of commercial fishermen, and monitoring the effectiveness of such measures. NMFS must take a draft take reduction plan developed by the take reduction team into consideration and explain the reasons for any changes proposed by NMFS when publishing the plan and proposed regulations to implement the plan in the **Federal Register**. Given this process and these requirements, NMFS implements the take reduction team's draft plan to the maximum extent feasible given the goals of the MMPA and other legal requirements.

NMFS does not have sufficient funds available to develop and implement take reduction plans for all of these stocks, because there are considerable costs and personnel demands associated with the development of take reduction plans, including convening the take reduction team (which must include government and non-government representatives from various sectors), providing for team travel expenses, obtaining and preparing the data necessary to support team deliberations and devise take reduction strategies, researching alternative gear technologies, holding skipper workshops, monitoring the fishery, and enforcing the regulations in order to implement the plan. The MMPA provides that, if there is insufficient funding available to develop and implement a take reduction plan for all such stocks, then NMFS must use several factors to prioritize development and implementation of take reduction plans. NMFS has followed this provision to prioritize development and implementation of Pacific Offshore Cetacean, Harbor Porpoise, and Atlantic Large Whale take reduction plans. In addition, NMFS is in the process of developing a take reduction plan with the Western North Atlantic coastal bottlenose dolphins take reduction team. Finally, NMFS disbanded the Atlantic Offshore Cetacean take reduction team in August 2001, because the nature of the fisheries that were included in a draft plan had changed tremendously since 1996, when the take reduction team was convened and prepared a draft plan. NMFS is compiling data necessary for any take reduction plan or plans for marine mammal stocks that were addressed by this team.

Implementation of these take reduction plans provide examples of accomplishments in reducing bycatch of marine mammals. In 1997, NMFS issued regulations to implement the Pacific Offshore Cetacean Take Reduction Plan addressing incidental takes of beaked whales, pilot whales, pygmy sperm whales, sperm whales, and humpback whales in the California Oregon thresher shark/swordfish drift gillnet fishery. Management efforts included use of new technology (pingers, i.e., acoustic deterrent devices), gear modifications (lowering the depth of the net in the water column), outreach (mandatory skipper workshops), and permitting changes (to limit expansion of the fleet). In 1998, the team determined that the fishery had achieved the MMPA's immediate goal of reducing incidental mortality and serious injury below the potential biological removal (PBR) level for the strategic marine mammal stocks addressed by the plan. Efforts continue to ensure that bycatch remains less than PBR and that the MMPA's long-term goal is achieved of reducing incidental mortality and serious injury to insignificant levels approaching a zero mortality and serious injury rate.

In 1998, NMFS issued regulations to implement the Harbor Porpoise Take Reduction Plan addressing incidental takes of harbor porpoise in the Northeast sink gillnet fishery and the Mid-Atlantic coastal gillnet fishery through the use of pingers, gear modifications, and closures. Prior to implementation of this take reduction plan and fishery management plan actions intended to reduce harbor porpoise bycatch, an estimated 1,521 harbor porpoise died each year from interactions with these fisheries. Bycatch in both fisheries was dramatically reduced in 1999, 2000, and 2001 to levels below the PBR level in all three years. Efforts continue to ensure that bycatch remains less than the PBR level and that the MMPA's long-term goal is achieved.

Other marine mammals have been the focus of bycatch or entanglement reductions studies and regulations. In 1999, NMFS issued regulations to implement the Atlantic Large Whale Take Reduction Plan addressing incidental takes primarily of North Atlantic right whales, but also humpback, fin, and minke whales, in Atlantic lobster trap/pot and gillnet fisheries. This plan creates a regulatory (e.g., gear modifications, closures) and non-regulatory (e.g., disentanglement, gear research) framework for reducing bycatch. Recent efforts include a number of gear modifications, including requiring that fixed gear with lines attached to nets and traps have ''weak links.'' These devices are designed to break in the event that a large whale gets entangled in the line before the whale becomes more entangled. Atlantic lobster trap/pot and gillnet fisheries are now required to have weak links at various intervals on their fishing gear. In order to further protect right whales, NMFS has instituted Dynamic Area Management and Seasonal Area Management regulations to restrict fishing in areas where and times when right whales congregate to feed and are vulnerable to becoming entangled in lines from fixed fishing gear.

F. Progress in NMFS's Commitment to Reducing Incidental Catch of Seabirds

In 1999, the United Nations' Food and Agricultural Organization (FAO) adopted an International Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries (IPOA-Seabirds). The IPOA-Seabirds is a voluntary measure under which FAO Member States agree to: (1) assess the degree of seabird bycatch in their longline fisheries; (2) develop individual national plans of action to reduce seabird bycatch in their longline fisheries that have a seabird bycatch problem; and (3) develop a course of future research and action to reduce seabird bycatch.

In 2000, NMFS participated in the First International Fishers Forum for Reducing Incidental Catch of Seabirds in Longline Fisheries. Fishermen, researchers, gear manufacturers, and others met for the first time and shared ideas, research plans, and codes of industry practices.

Then in February 2001, NMFS announced its U.S. National Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries (NPOA), that was developed in cooperation with the U.S. Fish and Wildlife Service (USFWS) and the Department of State. Under the NPOA, NMFS is committed to: (1) assessing U.S. longline fisheries for seabird bycatch by February 2003 (including use of and expansion of existing observer programs); (2) implementing measures to reduce seabird bycatch within 2 years of determining a problem exists; (3) preparing an annual report on status of seabird bycatch mortality for each longline fishery; and (4) advocating NPOAs within relevant international fora.

In 2002, NMFS provided $250,000.00 in assistance to the Western Pacific Regional Fishery Management Council (WPFMC) in sponsoring the Second International Fishers Forum for Reducing Incidental Catch of Sea Turtles and Seabirds in Longline Fisheries held in November 2002. This forum had grown in scope and enthusiasm from the initial forum in 2000 and was attended by participants from over 28 Nations. The meeting was very successful in enhancing cooperation with the fishing industry, fishery agencies, academic institutions, NGOs, and international bodies on seabird and sea turtle bycatch research and outreach. Efforts are underway for a Third International Fishers Forum planned for 2004 in Japan. To fulfill its protected resources obligations, NMFS believes it is critical for the agency to work side-by-side with the fishing industry to design gear and alter fishing practices to reduce bycatch, as well as to monitor and evaluate bycatch and the effectiveness of bycatch reduction measures.

In order to understand the population-level impacts of incidental longline bycatch of seabirds and sea turtles, NMFS and the USFWS have undertaken studies to monitor population status and threats. These studies have identified numerous threats that continue to impact sea turtle and seabird populations.

Under the MSA, NMFS has taken action to prevent further impacts on seabirds and sea turtles, including implementation of bycatch reduction techniques for seabirds and area closures to reduce interactions with sea turtles. In recent years NMFS has promoted the development and use of practical and effective seabird and sea turtle management and mitigation measures by longline fishermen. A research program conducted by the Washington Sea Grant Program (WSGP) concluded that paired streamer lines effectively reduced seabird bycatch, compared to a control of no deterrents, by 88–100 percent. Regulatory requirements are being revised to reflect results from this research. This summer, the WSGP embarked on yet another study to test the effectiveness of seabird mitigation measures, this time testing the effectiveness of faster-sinking demersal gear at reducing seabird bycatch. Data are still coming in, but this technology looks very promising both as a seabird deterrent and as a gear that requires less handling on auto-liners. This kind of gear is being collaboratively tested on longliners in New Zealand.

A NMFS study in Hawaii found that blue-dyed bait and weights added to baits reduced the number of black-footed albatross gear interactions by approximately 90 percent. In addition, a highly successful pilot study was recently conducted in Hawaii on an underwater chute-setting device. This study included the Hawaii Longline Association, NMFS, the WPFMC, and the National Audubon Society, Bird Life International's U.S. partner. It found that underwater line-setting effectively reduced seabird bycatch, compared to a control of no deterrents, by 95–100 percent.

In 2002, NMFS implemented permanent seabird-specific mitigation measures (67 FR 34408, May 2002) recommended by the WPFMC to help reduce seabird interactions in the Hawaii-based longline fishery. Along with sea turtle conservation measures (67 FR 40232, June 12, 2002), including a prohibition on shallow setting for all Hawaii longline vessels fishing north of the equator, the seabird mitigation measures (i.e., use of thawed, blue-dyed bait, line setting machine or traditional basket-style longline gear, and strategic discard of offal) north of 23° N. lat., resulted in less than 50 seabird interactions observed in 2002, compared with about 160 interactions in 2001, and nearly 250 interactions in 2000. The reduction in seabird interactions occurred while NMFS was increasing observer coverage levels in the Hawaii longline fishery from 10 percent in 2000 to 23 percent in 2001, and to little more than 25 percent in 2002.

In the North Pacific, NMFS collaborated with Washington Sea Grant Program for the 2002 bycatch avoidance workshops for commercial longliners in Alaska ports. The NPFMC is changing existing regulations for seabird avoidance measures required in the groundfish and halibut hook-and-line fisheries off Alaska, and NMFS is promoting the USFWS free streamer line program in Alaska.

Also, in 2002 NMFS added seabird bycatch issue to agendas of several bilateral fisheries meetings to highlight the issue and promote and encourage implementation of FAO's IPOA-Seabirds. NMFS has placed or supported the placement of seabird bycatch on the agenda of the meetings of several international organizations (Asia Pacific Economic Cooperation (APEC), Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), and ICCAT). NMFS has also formed a bycatch reduction task force that will be seeking ways to address the issue of seabird issues in the international arena.

NMFS is also working to implement Executive Order 13186, signed by the President on January 10, 2001 (66 FR 3853), on the responsibilities of Federal agencies to protect migratory birds under the Migratory Bird Treaty Act and other laws. NMFS, in cooperation with USFWS, is drafting a Memorandum of Understanding to identify strategies that promote conservation of migratory birds through enhanced collaboration between NMFS and USFWS, in coordination with state, territorial, tribal, and local governments.

G. International Activities to Reduce Bycatch

For several years NMFS has been engaged in ongoing activities, on a bilateral basis and through regional fisheries management organizations, seeking international bycatch assessment and bycatch reduction. Annual reports to Congress assessing the need for international bycatch agreements required by section 202(h) of the MSA have been made since 1996. In addition, an International Bycatch Reduction Task Force has been created whose activities are included in the most recent 202(h) report to Congress.

1. Activities Pursuant to Sec. 202(h) of the MSA

Section 202(h)(1) of the MSA directs the Secretary of State, in cooperation with NMFS, to secure international agreements to establish standards and measures for bycatch reduction that are comparable to the standards and measures applicable to U.S. fishermen. Section 202(h)(3) of the MSA requires NMFS, in consultation with the Secretary of State, to submit an annual report to Congress describing actions taken regarding potential international bycatch agreements pursuant to Section 202(h)(1) of the Act.

NMFS reviews management measures under all approved and implemented FMPs that address fish stocks also harvested by foreign fishermen to identify relevant bycatch standards and measures. In the report covering the period September 2000–December 2001, NMFS concluded, and the Department of State concurred, that pursuing international bycatch agreements pursuant to Section 202(h) of the MSA continued to be necessary and appropriate to address sea turtle bycatch in longline fisheries in both the Atlantic and Pacific Oceans. As a result, an international strategy, referred to as the Course of Action to Promote International Agreements that Address the Need to Reduce Sea Turtle Bycatch in Foreign Longline Fisheries, was developed to address this issue.

2. International Bycatch Reduction Task Force

In January 2002, NMFS convened an International Bycatch Reduction Task Force made up of NMFS and U.S. Department of State representatives. A Plan of Action was subsequently developed by the Task Force to: (1) implement the strategy to promote international agreements that reduce sea turtle and seabird bycatch in foreign longline fisheries; and (2) promote the implementation of the Food and Agriculture Organization (FAO) International Plan of Action (IPOA) for Reducing Incidental Catch of Seabirds in Longline Fisheries and the FAO IPOA for the Conservation and Management of Sharks.

The Task Force Plan of Action outlines steps to be taken in implementing the U.S. strategy for international bycatch reduction. These tasks are broken up into two categories: international sea turtle workshops, and international communications relating to sea turtles, sharks and seabirds.

a. *International Sea Turtle Workshops*. The Task Force has engaged in a number of activities in support of international sea turtle workshops during 2002. A steering committee has been formed to guide the planning and execution of a NMFS-sponsored international technical workshop on sea turtle bycatch in longline fisheries during February 2003. This workshop: examined global and seasonal fleet distributions and effort; compared gear different configurations; looked at target species; compared existing regulatory regimes; and reviewed on-going bycatch reduction research. Diplomatic communications (demarches) were sent to longlining states (and Taiwan) announcing the workshop and requesting information on sea turtle interactions in their longline fisheries. The workshop was attended by 197 countries. Additionally, the workshop and other sea turtle initiatives have been promoted in regional fisheries management and bilateral meetings.

Scientific activities undertaken in support of the NMFS sea turtle workshop include an October 2002, NMFS staff review of preliminary results of on-going research relating to the reduction of sea turtle bycatch in longline fisheries. The results of this in-house review were presented during sea turtle discussions in November 2002 at the Second International Fisher's Forum to Reduce Bycatch of Sea Turtles and Seabirds in Longline Fisheries. This information was updated as necessary and was presented at the February 2003 NMFS international technical workshop on sea turtle bycatch in longline fisheries. The February 2003 workshop, held in Seattle, WA, included participants representing 20 nations. The purpose of convening the workshop was to share information on global longline fisheries and to share ideas and information on experiments and solutions to reduce the bycatch of turtles in longline fisheries where interactions occur.

b. *International Communications Relating to Sea Turtles, Sharks and Seabirds*. The United States has communicated through diplomatic channels with flag states with significant longline fleets (and Taiwan). As noted above, a demarche relating to sea turtles was made that emphasized the international nature of the sea turtle bycatch problem in longline fisheries, described steps that the United States is taking to address this problem, and requested that recipients provide information relative to sea turtle bycatch in longline fisheries. The demarche announced the date and location of the International Longline Sea Turtle Bycatch Technical Workshop. The United States will also make similar demarches to Executive Secretaries (or equivalent) of regional fisheries management organizations or arrangements in whose area of operation longline fishing occurs during 2002.

Demarches have also been made to flag states with significant longline fleets (and Taiwan) that requested information on the status of implementing the IPOAs for Seabirds and Sharks. In these communications, the United States encouraged: development and implementation of National Plans of Action for Seabirds, to promote the reduction of incidental catch of seabirds in longline fisheries where it occurs; and development and implementation of National Plans of Actions for Sharks, to promote the conservation and management of sharks and call attention to the international issue of shark finning. Additionally, the United States committed to provide information on topics relating to these IPOAs, including information that may be of use to states developing a National Plan of Action (NPOA) for Seabirds and an NPOA for Sharks. This communication provided an overview of the U.S. Shark Finning Prohibition Act.

During 2002, the United States has used current and new regional fishery management organizations (RFMOs) and existing bilateral relationships to call attention to the international problems of sea turtle bycatch and incidental catch of seabirds and sharks in longline fisheries. The United States continues to promote international cooperative efforts to collect standardized information on the incidence of sea turtle bycatch in longline fisheries and the technical workshop has been promoted as one forum to receive and consider such information.

In conclusion, NMFS has made significant progress on research and management measures to reduce bycatch and NMFS is committed to further expansion of these activities.

Agency Decision

After carefully considering all public comment, the Assistant Administrator for Fisheries has determined that the four-part program requested by the petition does not lend itself to specific rulemaking at this time. NMFS recognizes that the agency must continue to address bycatch in many domestic and international fisheries; however, given the vast array of characteristics among individual fisheries (including gear usage, fishing conditions, and other factors) and ongoing initiatives, we do not believe that global/national rulemaking as requested by Oceana is appropriate. Instead, NMFS believes in a regional approach working through the existing regulatory processes of the appropriate legal authority. NMFS will continue working with RFMCs, RFMOs, states, and other partners and constituents to address bycatch and will renew and revise, as explained below, the agency's strategy to combat bycatch both domestically and worldwide. Actions not subject to the MSA RFMC process will be carried out directly by NMFS.

NMFS believes that appropriate avenues exist for fisheries rulemaking to address bycatch through the deliberative, public RFMC or Atlantic Highly Migratory Species Division process under the MSA, the ASMFC and the ACFCMA, the Take Reduction Teams under the MMPA, the ESA, and in support of the MBTA. NMFS believes that these processes and authorities should continue to be used to address specific bycatch problems rather than the petition process for comprehensive rulemaking. In addition, there is much that we have been doing and plan to do to address bycatch that is outside the purview of regulatory action, e.g., research for bycatch mitigation technology, international efforts, and voluntary use of observers.

NMFS National Bycatch Strategy

NMFS published a comprehensive national bycatch plan in 1998 entitled *Managing the Nation's Bycatch*. This plan defines bycatch as ''Discarded catch of any living marine resource plus retained incidental catch and unobserved mortality due to a direct encounter with fishing gear.'' It is more inclusive than the definition of bycatch in the MSA because: (1) the plan's definition includes living marine resources other than ''fish'' as defined in the MSA (i.e., the plan's definition includes marine mammals and seabirds); (2) the plan's definition includes retained catch of non-target species, the MSA does not; and (3) the plan's definition includes fishing mortality of living marine resources that are not captured, but die after a direct encounter with fishing gear, the MSA does not. The plan's definition is also more inclusive than the definition of bycatch as used in the petition which refers to ''the incidental catch of birds, mammals, turtles, and fish.'' It is also important to note that the plan addresses bycatch as occurring in recreational and subsistence fisheries as well as commercial fishing operations.

The 1998 plan was developed over an 18–month period by a planning team composed of fisheries managers and scientists from all of NMFS' administrative regions. The public participated in the development of this plan; NMFS carefully considered comments from 36 organizations or individuals in response to a March 1997 notice of availability published in the **Federal Register**. Seven national objectives are listed in the plan as supporting achievement of NMFS' national bycatch goal (i.e, ''to implement conservation and management measures for living marine resources that will minimize, to the extent practicable, bycatch and the mortality of bycatch that cannot be avoided''), and these seven objectives are broken down into 22 individual strategies consisting of 69 individual, substantive components. The plan also listed a series of regional recommendations. NMFS has undertaken many activities in support of these objectives and strategies, and continues to build on progress already made.

NMFS has determined, due to the continuing challenge of meeting the NMFS national bycatch goal, that we will undertake a comprehensive review of agency progress toward meeting the national bycatch goal, its supporting objectives and strategies, and the regional recommendations. This review will be part of the National Bycatch Strategy, which is comprised of the following six components:

1. Assess progress toward meeting the national bycatch goal, its supporting objectives and strategies, and regional recommendations (as set forth in *Managing the Nation's Bycatch*), which includes meeting the bycatch reduction requirements of relevant statutes, including national standard 9 of the MSA, Section 118 of the MMPA, and the take prohibitions of the ESA.

2. Develop a national approach to a standardized bycatch reporting methodology.

3. Implement the national bycatch goal through regional implementation plans.

4. Undertake education and outreach involving cooperative efforts, at the regional level (and other levels as appropriate), by fishery managers, scientists, fishermen, and other stakeholders to develop effective and efficient methods for reducing bycatch.

5. Utilize existing partnerships and develop new international approaches to reducing bycatch of living marine resources including fish stocks, sea turtles, marine mammals, and migratory birds, where appropriate.

6. Identify new funding requirements to effectively support the NMFS National Bycatch Strategy on an ongoing basis.

The first component of the National Bycatch Strategy will involve a headquarters-based team, along with an Atlantic HMS team and regional teams consisting of representatives from NMFS regional offices and science centers, in consultation with RFMCs, and will result in the preparation of ''regional report cards'' by July 2003: (1) documenting progress toward meeting the national goal, objectives, strategies, and regional recommendations; (2) suggesting ways to enhance compliance with existing bycatch mandates under the MSA (e.g., national standard 9) and Section 118 of the MMPA; (3) suggesting ways to enhance compliance with the take prohibitions of the ESA and to reduce takes of migratory birds; (4) recommending ways to strengthen the national bycatch goal, objectives, strategies, and regional recommendations to ensure adequate consideration of protected species and address any deficiencies that are identified; (5) listing related bycatch management gaps by priority of funding needs; and (6) recommending updates to the goal, objectives, strategies, and regional recommendations of the 1998 report, as appropriate.

The second component of the National Bycatch Strategy will be the development of a national approach to standardized bycatch reporting methodology for all U.S. commercial and recreational fisheries. The MSA currently requires that this be specified on a fishery-by-fishery basis, but fishery interactions and the deployment of observers and other data collection systems across fisheries indicate the need for a coordinated approach. A national in-house working group will be convened to evaluate the current methodologies for estimating bycatch, review the current use of self-reporting to estimate discards, evaluate the potential for estimating discards by inferences drawn from fishery independent surveys, recommend a statistical design for observer programs to cover all U.S. fisheries, recommend standards of precision to be achieved for discard estimates, and recommend observer sample sizes and associated costs for all U.S. fisheries. The working group will submit a final report to the Assistant Administrator for Fisheries by June 2003.

The third component of the National Bycatch Strategy, based on the assessment from the first and second components, will be the production by regional teams of regional and Atlantic HMS implementation plans and timelines that are developed in concert with national policy and guidance on bycatch. These plans should reflect any updating of the goal, objectives, and strategies of the 1998 report. The timing of the actual implementation of these plans will vary, depending on rulemaking schedules as well as resources, but will all be submitted to the Assistant Administrator for Fisheries by September 2003. The plans will include criteria for identifying ''vulnerability'' of discard species to adverse impacts; application of those criteria to identify the most serious discard problems; identification and evaluation of alternatives for reducing the adverse impacts of discards (including at least the reduction or elimination of overfishing target species, modification of fishing gear and/or fishing practices, time and/or area restrictions on fishing, and factors that determine the likelihood of success using each of the alternatives); and strategies for solving the problems that have been identified.

The fourth component of the National Bycatch Strategy will result, by September 2003, in the creation of a plan for expanding education and outreach activities involving the establishment of, coordination, and communications among regional working groups that specialize in fishery-specific bycatch issues. These regional groups may ultimately include regional marine advisory officers and others who work closely with fishermen. The purpose of these groups will be to formulate fishery-specific, effective, and efficient methods for cooperatively reducing bycatch. These methods could include incentive programs and/or other programs to encourage fishermen to reduce bycatch and assist in providing accurate estimates of bycatch. Incentives might include allocations of fish or extended fishing times to fishermen who voluntarily use specialized gear and fishing tactics to successfully reduce bycatch. Education and outreach will be an element of every regional plan developed in the third component. This effort will include sponsorship of symposia (including a major international bycatch symposium at the American Fishery Society's 2003 annual meeting), workshops, and other bycatch education and outreach activities. In addition, this effort will include updating and enhancing the dedicated NMFS bycatch website (*http://www.nmfs.noaa.gov/bycatch.htm*) on a regular basis.

The fifth component of the National Bycatch Strategy will address international approaches to reduce bycatch of living marine resources, including fish stocks, sea turtles, marine mammals, and migratory birds extending beyond U.S. waters. Existing international agreements will be examined for potential broadening and for progress in implementation. RFMOs and other fora will also be examined for effectiveness in resolving regional bycatch problems and as alternative fora for yielding more expedient results. NMFS will continue to report to Congress annually with an assessment of the need for international bycatch agreements, as required by section 202(h) of the MSA. Continuing activities will include seeking bycatch assessment and reduction on a bilateral basis and through regional fisheries management organizations.

The sixth component of the National Bycatch Strategy directs NMFS headquarters staff to use gaps and funding needs identified by the Atlantic HMS team and regional teams as part of the first component of the National Bycatch Strategy, to use observer costs estimated by the national working group under the second component of the National Bycatch Strategy, as well as other sources, to identify new agency funding requirements and make recommendations to modify NMFS's comprehensive 5–year plan ''NOAA Fisheries' Requirements for Improved and Integrated Conservation of Fisheries, Protected Resources, and Habitat (Requirements Plan).'' As this National Bycatch Strategy matures into a more robust strategy over coming months and years, funding needs and priorities will be revisited. The attainment of adequate funding is essential to the success of the National Bycatch Strategy.

NMFS will continue to build upon its accomplishments and accelerate its efforts in ensuring that renewed and revised objectives and strategies, as well as regional recommendations, from the 1998 *Managing the Nation's Bycatch*, the foundation for its National Bycatch Strategy, are fully implemented. We discussed the petition and NMFS' efforts on bycatch at the January 2003 meetings of the Marine Fisheries Advisory Committee and the RFMC Chairs. NMFS will discuss our national strategy with these and other fisheries groups and non-government organizations and report progress on bycatch activities at periodic meetings and through the NMFS bycatch website (*http://www.nmfs.noaa.gov/bycatch.htm*).

Dated: March 3, 2003.

William T. Hogarth,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 03–5638 Filed 3–6–03; 1:51 pm]

BILLING CODE 3510–22–S

Notices

Federal Register

Vol. 68, No. 47

Tuesday, March 11, 2003

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

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—Form FNS–380–1, Food Stamp Program Quality Control Review Schedule

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: As required by the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on proposed information collection of Form FNS–380–1, Food Stamp Program Quality Control Review Schedule. The proposed collection is an extension of collection currently approved under OMB No. 0584–0299.

DATES: Written comments must be submitted on or before May 12, 2003.

ADDRESSES: Send comments and requests for copies of this information collection to Dan Wilusz, Branch Chief, Quality Control Branch, Room 822, Program and Accountability Division, Food and Nutrition Service, U. S. Department of Agriculture, 3101 Park Center Drive, Alexandria, Virginia 22302. You may FAX comments to us at (703) 305–0928. You may also download an electronic version of this notice at *http://www.fns.usda.gov/fsp/rules/Regulations/default.htm* and comment via the Internet at the same address.

Comments are invited on (a) 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; (b) 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) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this notice will be included in the request for OMB's approval. All comments will also become a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection form and instruction should be directed to Dan Wilusz at (703) 305–2474.

SUPPLEMENTARY INFORMATION:

Title: Quality Control Review Schedule, Form FNS–380–1.

OMB Number: 0584–0299.

Expiration Date: October 30, 2003.

Type of Request: Revision of a currently approved collection.

Abstract: The Form FNS–380–1, Food Stamp Program Quality Control Review Schedule, collects quality control (QC) and household characteristics data. The information needed to complete this form is obtained from the Food Stamp case record and State quality control findings. The information is used to monitor and reduce errors, develop policy strategies, and analyze household characteristic data.

Affected Public: Individuals or households and State or local governments.

Estimated Number of Respondents: 53 State agencies.

Estimated Total Number of Responses Per Year: 54,703.

Estimated Hours Per Response: 1.05.

Total Annual Reporting Burden: 57,438.

Estimated Number of Annual Records to Keep: 54,703.

Estimated Hours Per Record: 0.0236.

Total Annual Record Keeping Burden: 1,291.

Total Annual Reporting and Record Keeping Burden: 58,729.

Dated: March 4, 2003.

Roberto Salazar,

Administrator, Food and Nutrition Service.

[FR Doc. 03–5654 Filed 3–10–03; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Ravalli County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Ravalli County Resource Advisory Committee will be meeting to discuss projects for 2003. Agenda topics will include cooperative project ideas and a public forum (question and answer session). The meeting is being held pursuant to the authorities in the Federal Advisory Committee Act (Public Law 92–463) and under the Secure Rural Schools and Community self-Determination Act of 2000 (Public Law 106–393). The meeting is open to the public.

DATES: The meeting will be held on March 25, 2003, 6:30 p.m.

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

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

SUPPLEMENTARY INFORMATION:

Dated: March 5, 2003.

Lesley W. Thompson,

Deputy Forest Supervisor.

[FR Doc. 03–5693 Filed 3–10–03; 8:45 am]

BILLING CODE 3410–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–806]

Silicon Metal From Brazil: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review

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

EFFECTIVE DATE: March 11, 2003.

FOR FURTHER INFORMATION CONTACT: Maisha Cryor at (202) 482-5831 or

Thomas Futtner at (202) 482–3814, Group II, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave, NW., Washington, DC 20230.

Time Limits

Statutory Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department of Commerce (the Department) to make a preliminary determination within 245 days after the last day of the anniversary month of an order 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 after the last day of the anniversary month.

Background

On August 27, 2002, the Department published a notice of initiation of administrative review of the antidumping duty order on Silicon Metal from Brazil, covering the period July 1, 2001 through June 30, 2002. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part,* 67 FR 55000, 55001 (August 27, 2002). The preliminary results are currently due no later than April 2, 2003.

Extension of Time Limit for Preliminary Results of Review

We determine that it is not practicable to complete the preliminary results of this review within the original time limit. Therefore, the Department is extending the time limit for completion of the preliminary results until no later than July 22, 2003. *See* Decision Memorandum from Holly A. Kuga, Senior Office Director, to Bernard T. Carreau, Deputy Assistant Secretary, dated concurrently with this notice, which is on file in the Central Records Unit, Room B–099 of the main Commerce building. We intend to issue the final results no later than 120 days after the publication of the preliminary results notice.

This extension is in accordance with section 751(a)(3)(A) of the Act.

Dated: March 4, 2003.

Holly A. Kuga,

Acting Deputy Assistant Secretary for Import Administration, Group II.

[FR Doc. 03–5776 Filed 3–10–03; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–423–808, A–122–830, A–475–822, A–580–831, A–791–805, A–583–830]

Notice of Amended Antidumping Duty Orders; Certain Stainless Steel Plate in Coils From Belgium, Canada, Italy, the Republic of Korea, South Africa, and Taiwan

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

ACTION: Notice of amended antidumping duty orders.

EFFECTIVE DATE: March 11, 2003.

FOR FURTHER INFORMATION CONTACT: Robert Bolling at (202) 482–3434 or Robert James at (202) 482–0649, Antidumping and Countervailing Duty Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Background

On May 21, 1999, the Department published in the **Federal Register** the antidumping duty orders on certain stainless steel plate in coils (stainless steel plate) from Belgium, Canada, Italy, the Republic of Korea, South Africa, and Taiwan. *See Antidumping Duty Orders; Certain Stainless Steel Plate in Coils from Belgium, Canada, Italy, the Republic of Korea, South Africa, and Taiwan*, 64 FR 27756 (May 21, 1999) (*Antidumping Duty Orders*).

Respondents appealed the affirmative material injury findings of the International Trade Commission (the Commission) with respect to hot-rolled stainless steel plate. The Court of International Trade (the Court) affirmed those findings in *Acciai Speciali Terni* v. *United States*, 118 F. Supp. 2d 1298 (CIT 2000).

The Commission's negative material injury determination with respect to cold-rolled stainless steel plate was the subject of a separate appeal. The Court upheld the Commission's determination in *Allegheny Ludlum Corp.* v. *United States,* 116 F. Supp 2d 1276 (CIT 2000). However, on a subsequent appeal to the Court of Appeals for the Federal Circuit, the Federal Circuit vacated the Court's decision and remanded for proceedings not inconsistent with its decision.

On remand the Commission reversed its original negative injury findings with respect to cold-rolled stainless steel plate and ''determined that an industry in the United States is materially injured by reason of imports of certain stainless steel plate from Belgium, Canada, Italy, Korea, South Africa and Taiwan * * *'' *Certain Stainless Steel Plate From Belgium, Canada, Italy, Korea, South Africa, and Taiwan; Notice of Final Court Decision Affirming Remand Determinations,* 68 FR 8925 (February 26, 2003). On December 12, 2002, the Court affirmed the remand redetermination as ''being in accordance with the Court's remand order.'' *Id.* at 8926. The result of this decision is to include both hot-rolled and cold-rolled stainless steel plate in coils within the scope of these orders.

As there was no timely appeal of the Court's order to the Federal Circuit, the judicial proceedings have ended. Therefore, we are amending the scope of the antidumping duty orders to remove the original language which excluded cold-rolled stainless steel plate in coils, in accordance with the Court's final decision. See Antidumping Duty Orders. This amendment did not require any changes in the HTS subheadings listed below in the ''Scope of the Orders'' section.

Scope of the Orders

The product covered by these orders is certain stainless steel plate in coils. Stainless steel is an alloy steel containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. The subject plate products are flat-rolled products, 254 mm or over in width and 4.75 mm or more in thickness, in coils, and annealed or otherwise heat treated and pickled or otherwise descaled. The subject plate may also be further processed (*e.g.*, cold-rolled, polished, etc.) provided that it maintains the specified dimensions of plate following such processing. Excluded from the scope of these orders are the following: (1) Plate not in coils, (2) plate that is not annealed or otherwise heat treated and pickled or otherwise descaled, (3) sheet and strip, and (4) flat bars.

The merchandise subject to this review is currently classifiable in the Harmonized Tariff Schedule of the United States (HTS) at subheadings: 7219.11.00.30, 7219.11.00.60, 7219.12.00.05, 7219.12.00.20, 7219.12.00.25, 7219.12.00.50, 7219.12.00.55, 7219.12.00.65, 7219.12.00.70, 7219.12.00.80, 7219.31.00.10, 7219.90.00.10, 7219.90.00.20, 7219.90.00.25, 7219.90.00.60, 7219.90.00.80, 7220.11.00.00, 7220.20.10.10, 7220.20.10.15, 7220.20.10.60, 7220.20.10.80, 7220.20.60.05, 7220.20.60.10, 7220.20.60.15, 7220.20.60.60, 7220.20.60.80, 7220.90.00.10, 7220.90.00.15, 7220.90.00.60, and 7220.90.00.80. Although the HTS subheadings are provided for convenience and Customs purposes, the written description of the merchandise subject to these orders is dispositive.

Amended Antidumping Duty Orders and Suspension of Liquidation

In accordance with section 736(a)(1) of the Tariff Act, the Department will direct Customs officers to assess, upon further advice by the Department, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise for all relevant entries of stainless steel plate in coils, as described in the ''Scope of the Orders'' section above, from Belgium, Canada, Italy, Korea, South Africa and Taiwan. These antidumping duties will be assessed on all unliquidated entries of stainless steel plate in coils, other than cold-rolled stainless steel plate in coils, from Belgium, Canada, Italy, Korea, South Africa and Taiwan entered, or withdrawn from warehouse, for consumption on or after November 4, 1998, the date on which the Department published its notices of preliminary determination in the **Federal Register** (63 FR 59524 through 59544).

Furthermore, effective the date of publication of this notice, we will instruct the Customs service to require cash deposits on all entries of cold-rolled stainless steel plate in coils, as well as other stainless steel plate in coils subject to these orders, in accordance with the Court's December 12, 2002 opinion in *Allegheny Ludlum* v. *United States*.

For unreviewed producers, and for ''All Others,'' the applicable weighted-average margins are those established in the original final determinations. For those producers that have been reviewed the applicable weighted-average margins are those established in the investigation or the most recently completed final results of an antidumping administrative review, as noted below:

Producer/manufacturer/exporter	Cash deposit rate
Belgium:	
ALZ, N.V	3.84% (67 FR 64352)
All Others	9.86%
Canada:	
Atlas Stainless Steel (Sammi Atlas)	15.35%
All Others	11.10%
Italy:	
ThyssenKrupp Acciai Speciali Terni SpA (TKAST)	0.00% (67 FR 63618)
All Others	39.69%
Republic of Korea:	
Pohang Iron & Steel Co., Ltd	1.19% (66 FR 64017)
All Others	6.08%
South Africa:	
Columbus Stainless	37.77% [1]
All Others	77%1 [1]
Taiwan:	
Yieh United Steel Corporation (YUSCO)	8.02% (67 FR 40914)
YUSCO/ Ta Chen	10.20%
All Others	7.39%

[1] In accordance with section 772(c)(1)(C) of the Tariff Act the cash deposit rate for South Africa has been reduced by 3.86 percent to account for export subsidies found in the concurrent countervailing duty investigation (*See Final Affirmative Countervailing Duty Determination: Stainless Steel Plate in Coils From South Africa,* 63 FR 15553, March 31, 1999), *Antidumping Duty Orders, and* Memorandum to Bernard Carreau, ''Ministerial Error Allegations * * * in the Final Determination of the Countervailing Duty Investigation of Certain Stainless Steel Wire Rod [sic] from South Africa,'' April 30, 1999.

Customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, cash deposits equal to the rates presently in effect. This notice constitutes the amended antidumping duty orders with respect to certain stainless steel plate in coils from Belgium, Canada, Italy, Korea, South Africa and Taiwan. Interested parties may contact the Department's Central Records Unit, room B–099 of the main Commerce building, for copies of an updated list of antidumping duty orders currently in effect.

These amended orders are published in accordance with section 736(a) of the Tariff Act of 1930, as amended.

Dated: March 5, 2003.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 03–5891 Filed 3–10–03; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–824]

Stainless Steel Sheet and Strip in Coils from Italy: Notice of Amended Final Results of Antidumping Administrative Review

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

ACTION: Amended final results of antidumping administrative review of stainless steel sheet and strip in coils from Italy.

EFFECTIVE DATE: March 11, 2003.

FOR FURTHER INFORMATION CONTACT: Stephen Bailey or Robert Bolling, Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230; telephone: 202–482–1102, or 202–482–3434, respectively.

Amendment of Final Results

On February 10, 2003, the U.S. Department of Commerce (''Department'') published in the **Federal Register** the results of its administrative review of the antidumping duty order on stainless steel sheet and strip in coils (''SSSS'') from Italy. *See Stainless Steel Sheet and Strip in Coils from Italy: Final Results of Antidumping Administrative Review,* 68 FR 6719 (February 10, 2003) (*''Final Results''*).

On February 10, 2003, respondent ThyssenKrupp Acciai Speciali Terni S.p.A (''TKAST'') and ThyssenKrupp AST USA, Inc. (''TKASTUSA'') filed ministerial error allegations, pursuant to 19 CFR 351.224(c)(2). On February 11, 2003, petitioners timely filed rebuttal comments on the alleged ministerial errors.

As a result of our analysis of respondent's allegations, we are amending the *Final Results* in the antidumping review of SSSS from Italy.

Scope of the Review

For purposes of this administrative review, the products covered are certain stainless steel sheet and strip in coils. Stainless steel is an alloy steel containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. The subject sheet and strip is a flat-rolled product in coils that is greater than 9.5 mm in width and less than 4.75 mm in thickness, and that is annealed or otherwise heat treated and pickled or otherwise descaled. The subject sheet and strip may also be further processed (*e.g.*, cold-rolled, polished, aluminized, coated, etc.) provided that it maintains the specific dimensions of sheet and strip following such processing.

The merchandise subject to this review is currently classifiable in the Harmonized Tariff Schedule of the United States (''HTS'') at subheadings: 7219.13.0031, 7219.13.0051, 7219.13.0071, 7219.1300.81,[1] 7219.14.0030, 7219.14.0065, 7219.14.0090, 7219.32.0005, 7219.32.0020, 7219.32.0025, 7219.32.0035, 7219.32.0036, 7219.32.0038, 7219.32.0042, 7219.32.0044, 7219.33.0005, 7219.33.0020, 7219.33.0025, 7219.33.0035, 7219.33.0036, 7219.33.0038, 7219.33.0042, 7219.33.0044, 7219.34.0005, 7219.34.0020, 7219.34.0025, 7219.34.0030, 7219.34.0035, 7219.35.0005, 7219.35.0015, 7219.35.0030, 7219.35.0035, 7219.90.0010, 7219.90.0020, 7219.90.0025, 7219.90.0060, 7219.90.0080, 7220.12.1000, 7220.12.5000, 7220.20.1010, 7220.20.1015, 7220.20.1060, 7220.20.1080, 7220.20.6005, 7220.20.6010, 7220.20.6015, 7220.20.6060, 7220.20.6080, 7220.20.7005, 7220.20.7010, 7220.20.7015, 7220.20.7060, 7220.20.7080, 7220.20.8000, 7220.20.9030, 7220.20.9060, 7220.90.0010, 7220.90.0015, 7220.90.0060, and 7220.90.0080. Although the HTS subheadings are provided for convenience and Customs purposes, the Department's written description of the merchandise under review is dispositive.

Excluded from the scope of this review are the following: (1) Sheet and strip that is not annealed or otherwise heat treated and pickled or otherwise descaled, (2) sheet and strip that is cut to length, (3) plate (*i.e.*, flat-rolled stainless steel products of a thickness of 4.75 mm or more), (4) flat wire (*i.e.*, cold-rolled sections, with a prepared edge, rectangular in shape, of a width of not more than 9.5 mm), and (5) razor blade steel. Razor blade steel is a flat-rolled product of stainless steel, not further worked than cold-rolled (cold-reduced), in coils, of a width of not more than 23 mm and a thickness of 0.266 mm or less, containing, by weight, 12.5 to 14.5 percent chromium, and certified at the time of entry to be used in the manufacture of razor blades. See Chapter 72 of the HTS, ''Additional U.S. Note'' 1(d).

Flapper valve steel is also excluded from the scope of this review. This product is defined as stainless steel strip in coils containing, by weight, between 0.37 and 0.43 percent carbon, between 1.15 and 1.35 percent molybdenum, and between 0.20 and 0.80 percent manganese. This steel also contains, by weight, phosphorus of 0.025 percent or less, silicon of between 0.20 and 0.50 percent, and sulfur of 0.020 percent or less. The product is manufactured by means of vacuum arc remelting, with inclusion controls for sulphide of no more than 0.04 percent and for oxide of no more than 0.05 percent. Flapper valve steel has a tensile strength of between 210 and 300 ksi, yield strength of between 170 and 270 ksi, plus or minus 8 ksi, and a hardness (Hv) of between 460 and 590. Flapper valve steel is most commonly used to produce specialty flapper valves in compressors.

Also excluded is a product referred to as suspension foil, a specialty steel product used in the manufacture of suspension assemblies for computer disk drives. Suspension foil is described as 302/304 grade or 202 grade stainless steel of a thickness between 14 and 127 microns, with a thickness tolerance of plus-or-minus 2.01 microns, and surface glossiness of 200 to 700 percent Gs. Suspension foil must be supplied in coil widths of not more than 407 mm, and with a mass of 225 kg or less. Roll marks may only be visible on one side, with no scratches of measurable depth. The material must exhibit residual stresses of 2 mm maximum deflection, and flatness of 1.6 mm over 685 mm length.

Certain stainless steel foil for automotive catalytic converters is also excluded from the scope of this review. This stainless steel strip in coils is a specialty foil with a thickness of between 20 and 110 microns used to produce a metallic substrate with a honeycomb structure for use in automotive catalytic converters. The steel contains, by weight, carbon of no more than 0.030 percent, silicon of no more than 1.0 percent, manganese of no more than 1.0 percent, chromium of between 19 and 22 percent, aluminum of no less than 5.0 percent, phosphorus of no more than 0.045 percent, sulfur of no more than 0.03 percent, lanthanum of less than 0.002 or greater than 0.05 percent, and total rare earth elements of more than 0.06 percent, with the balance iron.

Permanent magnet iron-chromium-cobalt alloy stainless strip is also excluded from the scope of this order. This ductile stainless steel strip contains, by weight, 26 to 30 percent chromium, and 7 to 10 percent cobalt, with the remainder of iron, in widths 228.6 mm or less, and a thickness between 0.127 and 1.270 mm. It exhibits magnetic remanence between 9,000 and 12,000 gauss, and a coercivity of between 50 and 300 oersteds. This product is most commonly used in electronic sensors and is currently available under proprietary trade names such as ''Arnokrome III.''[2]

Certain electrical resistance alloy steel is also excluded from the scope of this review. This product is defined as a non-magnetic stainless steel

[1] Due to changes to the HTS numbers in 2001, 7219.13.0030, 7219.13.0050, 7219.13.0070, and 7219.13.0080 are now 7219.13.0031, 7219.13.0051, 7219.13.0071, and 7219.13.0081, respectively.

[2] ''Arnokrome III'' is a trademark of the Arnold Engineering Company.

manufactured to American Society of Testing and Materials (''ASTM'') specification B344 and containing, by weight, 36 percent nickel, 18 percent chromium, and 46 percent iron, and is most notable for its resistance to high temperature corrosion. It has a melting point of 1390 degrees Celsius and displays a creep rupture limit of 4 kilograms per square millimeter at 1000 degrees Celsius. This steel is most commonly used in the production of heating ribbons for circuit breakers and industrial furnaces, and in rheostats for railway locomotives. The product is currently available under proprietary trade names such as ''Gilphy 36.'' [3]

Certain martensitic precipitation-hardenable stainless steel is also excluded from the scope of this order. This high-strength, ductile stainless steel product is designated under the Unified Numbering System (''UNS'') as S45500-grade steel, and contains, by weight, 11 to 13 percent chromium, and 7 to 10 percent nickel. Carbon, manganese, silicon and molybdenum each comprise, by weight, 0.05 percent or less, with phosphorus and sulfur each comprising, by weight, 0.03 percent or less. This steel has copper, niobium, and titanium added to achieve aging, and will exhibit yield strengths as high as 1700 Mpa and ultimate tensile strengths as high as 1750 Mpa after aging, with elongation percentages of 3 percent or less in 50 mm. It is generally provided in thicknesses between 0.635 and 0.787 mm, and in widths of 25.4 mm. This product is most commonly used in the manufacture of television tubes and is currently available under proprietary trade names such as ''Durphynox 17.'' [4]

Also excluded are three specialty stainless steels typically used in certain industrial blades and surgical and medical instruments. These include stainless steel strip in coils used in the production of textile cutting tools (*e.g.*, carpet knives).[5] This steel is similar to AISI grade 420 but containing, by weight, 0.5 to 0.7 percent of molybdenum. The steel also contains, by weight, carbon of between 1.0 and 1.1 percent, sulfur of 0.020 percent or less, and includes between 0.20 and 0.30 percent copper and between 0.20 and 0.50 percent cobalt. This steel is sold under proprietary names such as ''GIN4 Mo.'' [6] The second excluded stainless steel strip in coils is similar to AISI 420–J2 and contains, by weight, carbon of between 0.62 and 0.70 percent, silicon of between 0.20 and 0.50 percent, manganese of between 0.45 and 0.80 percent, phosphorus of no more than 0.025 percent and sulfur of no more than 0.020 percent. This steel has a carbide density on average of 100 carbide particles per 100 square microns. An example of this product is ''GIN5'' [7] steel. The third specialty steel has a chemical composition similar to AISI 420 F, with carbon of between 0.37 and 0.43 percent, molybdenum of between 1.15 and 1.35 percent, but lower manganese of between 0.20 and 0.80 percent, phosphorus of no more than 0.025 percent, silicon of between 0.20 and 0.50 percent, and sulfur of no more than 0.020 percent. This product is supplied with a hardness of more than Hv 500 guaranteed after customer processing, and is supplied as, for example, ''GIN6.'' [8]

[3] ''Gilphy 36'' is a trademark of Imphy, S.A.

[4] ''Durphynox 17'' is a trademark of Imphy, S.A.

[5] This list of uses is illustrative and provided for descriptive purposes only.

[6] ''GIN4 Mo'' is the proprietary grade of Hitachi Metals America, Ltd.

[7] ''GIN5'' is the proprietary grade of Hitachi Metals America, Ltd.

[8] ''GIN6'' is the proprietary grade of Hitachi Metals America, Ltd.

Ministerial Errors

A ministerial error is defined in §351.224(f) of our regulations as ''an error in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Secretary considers ministerial.'' (19 CFR 351.224(f)) Section 351.224(e) of our regulations provides that we ''will analyze any comments received and, if appropriate * * * correct any ministerial error by amending the final results* * * .'' (19 CFR 351.224(f)) After reviewing interested parties' allegations we have determined, in accordance with 19 CFR 351.224, that the *Final Results* includes a ministerial error discussed below.

Comment 1: Entered Value

Respondent alleges that the Department reported an incorrect total value on page one of its *Analysis for the Final Results of the Antidumping Duty Administrative Review of Stainless Steel Sheet and Strip in Coils from Italy—ThyssenKrupp Acciai Speciali Terni S.p.A (''TKAST'') (''Final Analysis Memorandum'')* dated February 3, 2003. Respondent argues that the Department should have reported the sum of the values which appear on the page titled ''Importer Specific Assessment Rates'' in the Final Margin Program. *See* Final Margin Program at page 42.

Petitioners argue that the Department reported the correct value in the *Final Analysis Memorandum.* Petitioners maintain that the amount reported by the Department in the *Final Analysis Memorandum* reflects the total value of all of TKAST's U.S. sales of the subject merchandise based on the net U.S. prices as calculated in the margin program. Petitioners contend that the sum of the reported values does not reflect net U.S. prices or the dumping margins that were calculated by the Department.

Department's Position: We agree with petitioners. The value reported in the Department's *Final Analysis Memorandum* is the total net value of U.S. sales and is the basis for the Department's calculation of the weighted-average dumping margin for all of TKAST's U.S. sales. It is the Department's practice to report the net value of all of respondent's U.S. sales in our analysis memorandum. *See Stainless Steel Sheet and Strip in Coils From Italy: Final Results of Antidumping Duty Administrative Review,* 67 FR 1715 (January 14, 2002) and *Analysis for the final results in the administrative review of the antidumping duty order on stainless steel sheet and strip in coils from Italy—Acciai Speciali Terni (''AST'')* from Carrie Blozy to the File for the first administrative review covering the period January 1, 1999 through June 30, 2000. Therefore, we will not amend the total value amount reported in the *Final Analysis Memorandum.*

Comment 2: Indirect Selling Expenses incurred by Ken-Mac Metals, Inc. (''Ken-Mac'')

TKAST alleges that the Department mistakenly applied the revised indirect selling expenses associated with sales through Ken-Mac to all U.S. sales. TKAST argues that the revised indirect selling expenses associated with sales through Ken-Mac should only be applied to U.S. sales through Ken-Mac.

Petitioners did not provide rebuttal comments.

Department's Position: We agree with TKAST. Following the *Preliminary Results,* the Department recalculated Ken-Mac's indirect selling expenses to account for expenses related to selling agents determined by the Department to be employees of Ken-Mac. *See Analysis of Comments Received Concerning Commissions for the Final Results of the Antidumping Duty Administrative Review of Stainless Steel Sheet and Strip in Coils from Italy—ThyssenKrupp Acciai Speciali Terni S.p.A (''TKAST'')* dated February 3, 2003. The Department inadvertently applied the revised indirect selling expenses to all of TKAST's U.S. sales, not just to those

U.S. sales through Ken-Mac. For the amended final results, we have applied the revised indirect selling expenses associated with U.S. sales through Ken-Mac to Ken-Mac sales only. *See Analysis for the Amended Final Results of the Antidumping Duty Administrative Review of Stainless Steel Sheet and Strip in Coils from Italy—ThyssenKrupp Acciai Speciali Terni S.p.A (''TKAST'') (''Final Amended Analysis Memorandum'')* from Stephen Bailey to Robert Bolling dated March 6, 2003.

Amended Final Results

We are amending the final results of the administrative review on SSSS from Italy covering the period July 1, 2000 through June 30, 2001, pursuant to section 751(h) of the Act and 19 CFR 351.224 of the Department's regulations. As a result, the recalculated final weighted-average margin for TKAST is as follows:

Exporter/ manufacturer	Weighted average margin in the final (percent)	Revised weighted average margin (percent)
TKAST	5.84	3.34

The cash deposit rate for TKAST of 3.34 percent ad valorem is effective on all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice, and will remain in effect until publication of the final results of the next administrative review.

Accordingly, the Department will determine, and the Customs Service will assess, antidumping duties on all entries of subject merchandise from TKAST during the period July 1, 2000 through June 30, 2001, in accordance with this amended final results.

This amended final results and notice are in accordance with sections 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 351.221.

Dated: March 4, 2003.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 03–5777 Filed 3–10–03; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–423–809, C–475–823, C–791–806]

Notice of Amended Countervailing Duty Orders; Certain Stainless Steel Plate in Coils From Belgium, Italy, and South Africa

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

ACTION: Notice of Amended Countervailing Duty Orders.

EFFECTIVE DATE: March 11, 2003.

FOR FURTHER INFORMATION CONTACT: Andrew Smith at (202) 482–1276 for Belgium and Italy, Eric Greynolds at (202) 482–6071 for South Africa, or Robert James at (202) 482–0649, Antidumping and Countervailing Duty Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Background

On May 11, 1999, the Department published in the **Federal Register** the countervailing duty orders on certain stainless steel plate in coils (stainless steel plate) from Belgium, Italy, and South Africa. *See Notice of Amended Final Determinations: Stainless Steel Plate in Coils from Belgium and South Africa; and Notice of Countervailing Duty Orders: Stainless Steel Plate in Coils from Belgium, Italy and South Africa,* 64 FR 25288, (May 11, 1999) *(Countervailing Duty Orders*).

Respondents appealed the affirmative material injury findings of the International Trade Commission (the Commission) with respect to hot-rolled stainless steel plate. The Court of International Trade (the Court) affirmed those findings in *Acciai Speciali Terni* v. *United States,* 118 F. Supp. 2d 1298 (CIT 2000).

The Commission's negative material injury determination with respect to cold-rolled stainless steel plate was the subject of a separate appeal. The Court upheld the Commission's determination in *Allegheny Ludlum Corp.* v. *United States,* 116 F. Supp 2d 1276 (CIT 2000). However, on a subsequent appeal to the Court of Appeals for the Federal Circuit, the Federal Circuit vacated the Court's decision and remanded for proceedings not inconsistent with its decision.

On remand the Commission reversed its original negative injury findings with respect to cold-rolled stainless steel plate and ''determined that an industry in the United States is materially injured by reason of imports of certain stainless steel plate from Belgium, Canada, Italy, Korea, South Africa and Taiwan * * *.'' *Certain Stainless Steel Plate From Belgium, Canada, Italy, Korea, South Africa, and Taiwan; Notice of Final Court Decision Affirming Remand Determinations,* 68 FR 8925 (February 26, 2003). On December 12, 2002, the Court affirmed the remand redetermination as ''being in accordance with the Court's remand order.'' *Id.* at 8926. The result of this decision is to include both hot-rolled and cold-rolled stainless steel plate in coils within the scope of these orders.

As there was no timely appeal of the Court's order to the Federal Circuit, the judicial proceedings have ended. Therefore, we are amending the scope of the countervailing duty orders to remove the original language which excluded cold-rolled stainless steel plate in coils, in accordance with the Court's final decision. *See Countervailing Duty Orders.* This amendment did not require any changes in the HTS subheadings listed below in the ''Scope of the Orders'' section.

Scope of the Orders

The product covered by these orders is certain stainless steel plate in coils. Stainless steel is an alloy steel containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. The subject plate products are flat-rolled products, 254 mm or over in width and 4.75 mm or more in thickness, in coils, and annealed or otherwise heat treated and pickled or otherwise descaled. The subject plate may also be further processed (*e.g.*, cold-rolled, polished, etc.) provided that it maintains the specified dimensions of plate following such processing. Excluded from the scope of these orders are the following: (1) Plate not in coils, (2) plate that is not annealed or otherwise heat treated and pickled or otherwise descaled, (3) sheet and strip, and (4) flat bars.

The merchandise subject to these orders is currently classifiable in the Harmonized Tariff Schedule of the United States (HTS) at subheadings: 7219.11.00.30, 7219.11.00.60, 7219.12.00.05, 7219.12.00.20, 7219.12.00.25, 7219.12.00.50, 7219.12.00.55, 7219.12.00.65, 7219.12.00.70, 7219.12.00.80, 7219.31.00.10, 7219.90.00.10, 7219.90.00.20, 7219.90.00.25, 7219.90.00.60, 7219.90.00.80, 7220.11.00.00, 7220.20.10.10, 7220.20.10.15, 7220.20.10.60, 7220.20.10.80, 7220.20.60.05, 7220.20.60.10, 7220.20.60.15, 7220.20.60.60, 7220.20.60.80, 7220.90.00.10, 7220.90.00.15, 7220.90.00.60, and 7220.90.00.80. Although the HTS subheadings are provided for convenience and Customs purposes, the written description of the merchandise subject to these orders is dispositive.

Amended Countervailing Duty Orders and Suspension of Liquidation

In accordance with section 706(a)(1) of the Tariff Act of 1930, as amended (the Tariff Act), the Department will direct Customs officers to assess, upon further advice by the Department, countervailing duties for each entry of the stainless steel plate in coils, as described in the ''Scope of the Orders'' section above, from Belgium, Italy and South Africa in an amount based on the net countervailable subsidy rate for the subject merchandise. These countervailing duties will be assessed on all unliquidated entries of stainless steel plate in coils, other than cold-rolled stainless steel plate in coils, from Belgium, Italy and South Africa entered, or withdrawn from warehouse, for consumption on or after September 9, 1998, the date on which the Department published its notices of preliminary determination in the **Federal Register** (63 FR 47239 (Belgium), 63 FR 47263 (South Arica) and 63 FR 63900 (Italy)).[1]

Furthermore, effective the date of publication of this notice, we will instruct the Customs service to require cash deposits on all entries of cold-rolled stainless steel plate in coils, as well as other stainless steel plate in coils subject to these orders, in accordance with the Court's December 12, 2002 opinion in *Allegheny Ludlum* v. *United States.*

For unreviewed producers, and for ''All Others,'' the applicable weighted-average margins are those established in the final determinations. For those producers that have been reviewed the applicable weighted-average margins are those established in the investigation or the most recently completed final results of a countervailing duty administrative review, as noted below:

Producer/manufacturer/exporter	Cash Deposit Rate
Belgium:	
ALZ, N.V	1.78% (66 FR 45007).
All Others	2.00%.
Italy:	
ThyssenKrupp Acciai Speciali Terni SpA (TKAST)	15.16%.
All Others	15.16%.
South Africa:	
Columbus Stainless	3.95%.
All Others	3.95%.

Customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, cash deposits equal to the rates presently in effect. This notice constitutes the amended countervailing duty orders with respect to certain stainless steel plate in coils from Belgium, Italy and South Africa. Interested parties may contact the Department's Central Records Unit, room B–099 of the main Commerce building, for copies of an updated list of countervailing duty orders currently in effect.

These amended orders are published in accordance with section 706(a) of the Tariff Act of 1930, as amended.

Dated: March 5, 2003.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 03–5892 Filed 3–10–03; 8:45 am]

BILLING CODE 3510–DS–P

[1] In accordance with section 703(d) of the Tariff Act, suspension of liquidation was lifted for entries made between January 2, 1999 and May 11, 1999, the date of publication of the *Countervailing Duty Orders. See Countervailing Duty Orders* at 25289.

DEPARTMENT OF COMMERCE

International Trade Administration

Public Hearing on the Second Addendum to the Agreement Concerning Trade in Certain Steel Products From the Russian Federation

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

SUMMARY: Pursuant to section 125(f) of the Trade Act of 1974, the Department of Commerce has scheduled a public hearing on potential changes to the import restrictions on pig iron, billets and semifinished steel products from the Russian Federation to the United States.

EFFECTIVE DATE: March 11, 2003.

FOR FURTHER INFORMATION CONTACT: Jean Kemp, (202) 482–4037; or Edward Yang, (202) 482–0406. Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION: On June 1, 1990, pursuant to Title IV of the Trade Act of 1974 (the Trade Act), the Governments of the United States of America and the Union of Soviet Socialist Republics entered into the Agreement on Trade Relations Between the United States of America and the Union of Soviet Socialist Republics. On June 17, 1992, this agreement became effective between the United States of America and the Russian Federation (''the 1992 Agreement''). Article XI of the 1992 Agreement provides that the Parties will consult with a view toward finding a means of remedying or preventing actual or threatened market disruption, and authorizes the Parties to take action, including the imposition of import restrictions, to achieve this goal.

On July 12, 1999, the United States Department of Commerce and the Ministry of Trade of the Russian Federation, (now the Ministry of Economic Development and Trade of the Russian Federation), concluded the Agreement Concerning Trade in Certain Steel Products From the Russian Federation (''the 1999 Agreement'') establishing import limitations on certain Russian steel products. On July 22, 1999, the President proclaimed the imposition of restraints on imports of certain steel products from the Russian Federation consistent with the 1999 Agreement. *See* Proclamation 7210 of July 22, 1999, 64 FR 40723 (July 27, 1999). On November 19, 2002, the Parties signed an Addendum to the Agreement Concerning Trade in Certain

Steel Products From the Russian Federation (''First Addendum''). On February 24, 2003, the Parties agreed, ad referendum, to a proposed Second Addendum to the Agreement Concerning Trade in Certain Steel Products From the Russian Federation (''Second Addendum'').

The United States is considering the acceptance of the Second Addendum and consequent modification to Proclamation 7210 in order to modify the terms of the 1999 Agreement with regards to pig iron, certain steel billets, and certain other semifinished steel products from the Russian Federation. This Addendum would modify the export limits, export limit periods and reporting periods of the 1999 Agreement for these three products. All other provisions of the 1999 Agreement and the First Addendum not affected by this Second Addendum remain in effect and unchanged.

Section 125(c) of the Trade Act (19 U.S.C. 2135(c)) provides that whenever the United States, acting in pursuance of any of its rights or obligations under any trade agreement entered into pursuant to the Trade Act, modifies any obligation with respect to the trade of any foreign country or instrumentality, the President is authorized to proclaim increased duties or other import restrictions, to the extent, at such times, and for such periods as he deems necessary or appropriate, in order to exercise the rights or fulfill the obligations of the United States. Section 125(f) of the Trade Act (19 U.S.C. 2135(f)) requires the President to provide the opportunity for interested parties to present views at a public hearing prior to taking action pursuant to section 125(b), (c), or (d) of the Trade Act (19 U.S.C. 2135 (b), (c), or (d)). Such an opportunity is being provided by the holding of such a hearing on March 26, 2003, at 10:00 a.m., at the United States Department of Commerce. The Department has published a copy of the Second Addendum on its Import Administration Web site *(http://www.ia.ita.doc.gov/newitems.htm).*

Notice of Public Hearing

Pursuant to section 125(f) of the Trade Act of 1974 (19 U.S.C. 2135(f)), the International Trade Administration of the Department of Commerce, has scheduled a public hearing beginning at 10 a.m., on March 26, 2003, at Room (TBA) of the Herbert C. Hoover Building, U.S. Department of Commerce, 14th and Constitution Ave., NW., Washington, DC.

Requests to Present Oral Testimony: Parties wishing to testify orally at the hearing must provide written notification of their intention not later than 5 p.m., March 19, 2003, to Faryar Shirzad, Assistant Secretary for Import Administration: Public Hearing on the Second Addendum to the Agreement Concerning Trade in Certain Steel Products from the Russian Federation, Room 3099B, Herbert C. Hoover Building, U.S. Department of Commerce, 14th and Constitution Ave., NW., Washington, DC. The notification should include: (1) The name of the person presenting the testimony, their address and telephone number; (2) the organization or company they are representing, if appropriate; (3) a list of issues to be addressed; and (4), if applicable, any request for an extension of the time limitation for the oral presentation. This notification may be submitted via facsimile to Jean Kemp or Ed Yang at (202) 482–0865. Those parties presenting oral testimony must also submit a written brief, in 20 copies, not later than 10 a.m., March 24, 2003, to the above mentioned address. Hearing presentations should be limited to no more than five minutes to allow for possible questions from the Chairman and the panel. Additional time for oral presentations may be granted as time and the number of participants permit. Any business proprietary material must be clearly marked as such on the cover page (or letter) and succeeding pages. Such submissions must be accompanied by a public summary thereof.

Written Briefs

Those persons not wishing to participate in the hearing may submit written comments, in 20 typed copies, not later than 10 a.m., March 24, 2003, to Faryar Shirzad, Assistant Secretary for Import Administration: Re: Second Addendum to the Agreement Concerning Trade in Certain Steel Products from the Russian Federation, Room 3099B, Herbert C. Hoover Building, U.S. Department of Commerce, 14th and Constitution Ave., NW., Washington, DC. Comments should state clearly the position taken and describe with specificity, the evidence supporting that position. Any business proprietary material must be clearly marked as such on the cover page (or letter) and succeeding pages. Such submissions must be accompanied by a public summary thereof. Public submissions will be available for public inspection at the Import Administration Central Records Unit. An appointment to review the file may be made by contacting Thomas Hartley at (202) 482–1248.

Dated: March 4, 2003.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 03–5775 Filed 3–10–03; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

SUMMARY: The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration.

Title: Alaska Individual Fishing Quota Cost Recovery Program Requirements.

Form Number(s): None.

OMB Approval Number: 0648–0398.

Type of Request: Regular submission.

Burden Hours: 5,504.

Number of Respondents: 2,700.

Average Hours Per Response: 2 hours for a fee submission form; 2 hours for a register buyer ex-vessel value and volume report; 2 hours for an appeal; and 30 minutes for a pre-payment of fees.

Needs and Uses: The Magnuson-Stevens Fishery Conservation and Management Act requires that the Secretary of Commerce implement a Cost Recovery Program to cover the management and enforcement costs of the Alaska Individual Fishing Quota (IFQ) Program. This Cost Recovery Program requires IFQ permit holders and registered buyers to submit information about the value of landings of IFQ species and for the permit holders to calculate and submit fees.

Affected Public: Business or other for-profit organizations, individuals or households, not-for-profit institutions.

Frequency: On occasion, annually.

Respondent's Obligation: Mandatory.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk

Officer, Room 10202, New Executive Office Building, Washington, DC 20503.

Dated: February 27, 2003.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03–5723 Filed 3–10–03; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 021114275–3052–02]

Joint Hurricane Testbed (JHT) Opportunities for Transfer of Research and Technology Into Tropical Cyclone Analysis and Forecast Operations

AGENCY: National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) publishes this notice to notify applicants of the due date for the submission of full proposals and to amend the eligibility criteria to allow Federal agencies to submit proposals solicited under its January 3, 2003, **Federal Register** notice (68 FR 359) entitled Joint Hurricane Testbed (JHT) Opportunities for Transfer of Research and Technology into Tropical Cyclone Analysis and Forecast Operations.

DATES: Full proposals must be received at the Tropical Prediction Center in Miami, Florida no later than 5 p.m. e.d.t. on April 10, 2003.

ADDRESSES: Full proposals must be submitted to: Dr. Jiann-Gwo Jiing, Director, Joint Hurricane Testbed, Tropical Prediction Center, 11691 SW 17th Street, Miami, FL 33165.

FOR FURTHER INFORMATION CONTACT: To obtain an application package or for further information, contact: Karen King, DOC/NOAA, Office of Weather & Air Quality Research, Routing Code R/WA, 1315 East-West Highway, Room 11216, Silver Spring, MD 20910, phone (301) 713–0460 ext. 202, email *Karen.King@noaa.gov.*

SUPPLEMENTARY INFORMATION:

The National Oceanic and Atmoshperic Administration (NOAA) publishes this notice to amend the eligibility criteria and to provide additional information concerning the due date for full proposals solicited under its January 3, 2003, **Federal Register** notice (68 FR 359) entitled Joint Hurricane Testbed (JHT) Opportunities for Transfer of Research and Technology into Tropical Cyclone Analysis and Forecast Operations.

Update

In the January 3, 2003, **Federal Register** notice (68 FR359) announcing Joint Hurricane Testbed (JHT) funding opportunities, the ‘‘DATES’’ section on page 360 stated that ‘‘PIs (Principal Investigators) will be informed of the submittal deadline for full proposals in the response letter’’ (to be sent from NOAA by March 4, 2003, in response to submitted preapplications). Further, section VIII of that notice indicated that PIs who do not receive a response letter with an invitation to submit a full proposal are not precluded from submitting a full proposal. Finally, the notice stated that applicants who did not submit a preapplication may nevertheless submit a full proposal.

The deadline for submission of full proposals has now been established. Full proposals must be received at the Tropical Prediction Center in Miami, Florida (*see* ADDRESSES) no later than 5 p.m. e.d.t. April 10, 2003. Full proposals received after the submission deadline will be returned without review. In submitting full proposals, applicants must adhere to all requirements stated in the JHT **Federal Register** notice of January 3, 2003. Full proposals from non-Federal applicants must be submitted along with completed, required forms that are contained in the standard NOAA Grants and Cooperative Agreement Package. to obtain this package, and for further information, please see the individual listed under the heading **FOR FURTHER INFORMATION CONTACT.** Federal applicants do not need to request this package and are not required to complete the forms it contains.

Restatement of Section VI.—Eligibility of the JHT Federal Register Notice of January 3, 2003

The eligibility criteria of the original solicitation are amended to allow Federal agencies to submit applications under this program. The statement published in section VI of the notice is replaced with the following revised statement:

Eligible applicants are institutions of higher education, other nonprofits, commercial organizations, international organizations, state, local and Indian tribal governments, and Federal agencies. Applications from non-Federal and Federal applicants will be competed against each other. Proposals selected for funding from non-Federal applicants will be funded through a cooperative agreement under the terms of the JHT **Federal Register** notice of January 3, 2003. Funding for contractual arrangements for services and products for delivery to NOAA are not available under this notice. Proposals selected for funding from NOAA scientists shall be effected by an intra-agency fund transfer. Proposals selected for funding from a non-NOAA Federal agency will be funded through a inter-agency transfer. *Please Note:* Before non-NOAA Federal applicants may be funded, they must demonstrate that they have legal authority to receive funds from another Federal agency in excess of their appropriation. Because this announcement is not proposing to procure goods or services from applicants, the Economy Act (31 U.S.C. 1535) is not an appropriate legal basis.

Dated: March 5, 2003.

Louisa Koch,

Deputy Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 03–5650 Filed 3–10–03; 8:45 am]

BILLING CODE 3510–KD–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 111902C]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Missile Launch Operations from San Nicolas Island, CA

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

ACTION: Notice of receipt of application for a small take authorization; request for comments and information.

SUMMARY: NMFS has received a request from the U.S. Navy for the harassment of small numbers of pinnipeds incidental to missile launch operations from San Nicolas Island, CA (SNI). As a result of that request, NMFS is considering whether to propose regulations that would govern the incidental taking of a small number of marine mammals under a Letter of Authorization (LOA). In order to promulgate these regulations and issue an LOA, NMFS must determine that these takings will have a negligible impact on the affected species and stocks of marine mammals. NMFS invites comment on the application and suggestions on the content of the regulations.

DATES: Comments and information must be postmarked no later than March 26, 2003.

ADDRESSES: Comments should be addressed to the Chief, Marine Mammal Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3226. A copy of the application, NMFS' Environmental Assessment (EA)/ Finding of No Significant Impact (FONSI) and a list of references used in this document may be obtained by writing to this address, or by telephoning the contact listed here (see **FOR FURTHER INFORMATION CONTACT**). Comments will not be accepted if submitted via e-mail or the Internet.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Hollingshead, NMFS, 301–713–2055, ext 128.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(A) of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*)(MMPA) directs the Secretary of Commerce (Secretary) to allow, upon request, the incidental, but not intentional taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and regulations are issued.

Permission may be granted for periods of 5 years or less if the Secretary finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses, and regulations are prescribed setting forth the permissible methods of taking and the requirements pertaining to the monitoring and reporting of such taking.

NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.'' The MMPA defines ''harassment'' as:

> any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Summary of Request

On October 23, 2002, NMFS received an application from the Naval Air Weapons Station, China Lake (NAWS), under section 101(a)(5)(A) of the MMPA, requesting an authorization, effective from August 26, 2003 through August 25, 2008, for the harassment of small numbers of three species of marine mammals incidental to target missile launch operations conducted by the Naval Air Warfare Center Weapons Division (NAWCWD) on SNI, one of the Channel Islands in the Southern California Bight. These regulations, if implemented, would allow NMFS to issue an annual LOA to NAWS, which would replace the process of issuance of annual Incidental Harassment Authorizations (IHAs) under section 101(a)(5)(D) of the MMPA (see 66 FR 41843, August 9, 2001; 67 FR 56271, September 3, 2002). This action is being undertaken in part based upon recommendations made on May 23, 2001 and August 6, 2002 by the Marine Mammal Commission, under section 202(a)(4) of the MMPA. The current IHA expires on August 26, 2003.

According to the NAWS' application, these operations may occur at any time during the year depending on test and training requirements and meteorological and logistical limitations. On occasion, two or three launches may occur in quick succession on a single day. NAWS anticipates an average of 40 launches annually of Vandal (or similar sized) vehicles from SNI's Alpha Launch Complex (ALC) and smaller supersonic and subsonic missiles and targets from either ALC or the Building 807 Launch Site (Building 807). Launches at this level would be an increase as the NAWCWD conducted a total of 19 launches (including one dual launch) of Vandal rockets (14 launches) and 5 other missiles and targets from SNI between August 15, 2001 and July 18, 2002 under an IHA.

The purpose of these launches is to support activities associated with operations on the NAWCD's Point Mugu Sea Range. The Sea Range is used by the U.S. and Allied military services to test and evaluate sea, land, and air weapon systems; to provide realistic training opportunities; and to maintain operational readiness of these forces. Some of the SNI launches are used for practicing defensive drills against the types of weapons simulated by these vehicles. Some launches may be conducted for the related purpose of testing new types of targets, to verify that they are suitable for use as operational targets. While SNI is under the land management responsibility of NAWS, planned missile and other target launches are conducted by the NAWCWD. A detailed description of the operations is contained in the NAWS application (NAWS, 2002) which is available upon request (see **ADDRESSES**).

Measurement of Airborne Sound Levels

The following section is provided to facilitate understanding of airborne and impulsive noise characteristics. In its application, NAWS has referenced both pressure and energy measurements for sound levels. For pressure, the sound pressure level (SPL) is described in terms of decibels (dB) re micro-Pascal (micro-Pa), and for energy, the sound exposure level (SEL) is described in terms of dB re micro-Pa2 -second. In other words, SEL is the squared instantaneous sound pressure over a specified time interval, where the sound pressure is averaged over 5 percent to 95 percent of the duration of the sound (in this case, one second).

Airborne noise measurements are usually expressed relative to a reference pressure of 20 micro-Pa, which is 26 dB above the underwater sound pressure reference of 1 micro-Pa. However, the conversion from air to water intensities is more involved than this and is beyond the scope of this document. NMFS recommends interested readers review NOAA's tutorial on this issue: http://www.pmel.noaa.gov/vents/acoustics/tutorial/tutorial.html Also, airborne sounds are often expressed as broadband A-weighted (dBA) or C-weighted (dBC) sound levels. A-weighting refers to frequency-dependent weighting factors applied to sound in accordance with the sensitivity of the human ear to different frequencies. With A-weighting, sound energy at frequencies below 1 kHz and above 6 kHz are de-emphasized and approximates the human ear's response to sounds below 55 dB. C-weighting corresponds to the relative response to the human ear to sound levels above 85 dB. C-weight scaling is useful for analyses of sounds having predominantly low-frequency sounds, such as sonic booms.

While it is unknown whether the pinniped ear responds similarly to the human ear, a study by C. Malme (pers. commun. to NMFS, March 5, 1998) found that for predicting noise effects, the Navy believes that A-weighting is better than unweighted pressure levels because the pinniped's highest in-air hearing sensitivity is at higher frequencies than that of humans. In this document, whenever possible sound levels have been provided with A-weighting.

Description of the Specified Activity

In general, launch vehicles are the Vandal and a variety of other supersonic and subsonic missiles and targets. Most other vehicles used would be similar in size and weight or slightly smaller and would have characteristics generally similar to the Vandal. However, NAWS also has requested a marine mammal take authorization for up to 3 launches annually for vehicles that may be larger than the Vandal, but would be under 50,000 lbs (23,000 kilograms (kg)) in weight.

Vandal Target Missiles

The Vandal (designated MQM–8G) target missile is a relatively large, air-breathing (ramjet) vehicle with no explosive warhead that is designed to provide a realistic simulation of the mid-course and terminal phase of a supersonic anti-ship cruise missile. These missiles are 7.7 m (25.2 ft) in length with a mass at launch of 3,674 kg (8,100 lbs) including the solid propellant booster. There are variants of the Vandal; they all have the same dimensions, but differ in their operational range. The Vandals are remotely controlled, non-recoverable missiles. At launch, the Vandal is accelerated for several seconds by a solid propellant rocket booster to a speed sufficient for the ram-jet engine to start. After several seconds of thrust, the booster is discarded, falls into the water of the Sea Range, and the Vandal continues along its flight path at supersonic speed under ramjet power.

The Vandal and most other targets are launched from the ALC on the west-central part of SNI, a land-based launch site. The ALC is 192 m (630 ft) above sea level and is approximately 2 kilometers (km)(1.25 miles (mi)) from the nearest pinniped haul-out site. Launch trajectories from ALC may vary from a near-vertical liftoff, crossing the west end of SNI at an altitude of approximately 3,962 m (13,000 ft) to a nearly horizontal liftoff, crossing the west end of SNI at an altitude of approximately 305 m (1,000 ft). However, to date, most Vandal launches during NAWS first IHA monitoring program had low angles (8 degrees) crossing the SNI beaches at an altitude of about 1,300 ft (396 m)(Lawson, 2002). Four Vandals however, had high angle (42 degrees) profiles, crossing SNI beaches at an altitude of about 9,600 ft (2,926 ft)(Lawson, 2002).

Vandal launches produce strong noise levels. Sound measurements collected during two Vandal launches in 1997 and 1999 indicated received A-weighted SPLs ranged from 123 dB (re 20 micro-Pa) (SEL of 126 dB re 20 micro-Pa2 -sec) at 945 m (3,100 ft) to 136 dB (re 20 μPa) (SEL of 131 dB re 20 micro-Pa2 -sec) at 370 m (1,215 ft) (Burgess and Greene, 1998; Greene, 1999). The most intense sound exposure occurred during the first 0.4 to 4.1 seconds after launch (Greene, 1999; Greene and Malme, 2002). However, what is important for this action is not the noise level near the launch site but the noise level over the pinniped haulouts on the SNI beaches. This will be discussed later in this document.

Supersonic and Subsonic Targets and Other Missiles

The Navy also plans to launch other subsonic and supersonic vehicles to simulate various types of threat missiles and aircraft. These are small unmanned aircraft that are launched using jet-assisted take-off (JATO) rocket bottles. Once launched, they continue offshore where they are used in training exercises to simulate various types of subsonic threat missiles and aircraft. The larger target, BQM–34, is 7 m (23 ft) long and has a mass of approximately 1,134 kg (2,500 lb) plus the JATO bottle. The smaller BQM–74, is 420 centimeters (cm) (165.5 inches (in)) long and has a mass of approximately 250 kg (550 lbs) plus the JATO bottle. Additional types of small vehicles that may be launched include the Exocet and Tomahawk missiles, and the Rolling Airframe Missile (RAM).

All of these smaller targets are launched from either the ALC or from Building 807. Building 807 is approximately 10 m (30 ft) above sea level and accommodates several fixed and mobile launchers that range from 30 m (98 ft) to 150 m (492 ft) from the nearest shoreline. For these smaller vehicles, launch trajectories from Building 807 may range from 6 to 45 degrees and cross over the nearest beach at altitudes from 15 to 190 m (50 to 625 ft).

Sound measurements were collected from the launch of a BQM–34S at the Point Mugu Naval Air Station (NAS) in 1997. Burgess and Greene (1998) found that for this launch, the A-weighted SPL ranged from 92 dB (re 20 micro-Pa) (SEL of 102.2 dB re 20 micro-Pa2 -sec) at 370 m (1,200 ft) to 145 dB (re 20 micro-Pa) (SEL of 142.2 dB re 20 micro-Pa2 -sec) at 15 m (50 ft). These estimates are approximately 20 dB lower than that of a Vandal launch at similar distances (Greene, 1999). The measured Terrior Orion SPL ranged from 89 to 138 dB and the SEL from 93 to 138 dB, although the SPL/SEL of 138 dB appears to be anomalously high (Lawson, 2002). The SPL/SELs for the AGS launches ranged from 95 to 150 dB (93 to 137 dB SEL) and the RAM launch SPL was 126 dB (131 dB SEL). It should be noted that these measurements were all flat-weighted, meaning that A-weighted SPL/SELs values were several decibels lower.

General Launch Operations

Aircraft and helicopter flights between NAS on the mainland, the airfield on SNI and the target sites in the Sea Range will be a routine part of any planned launch operation. These operational flights do not pass at low level over the beaches where pinnipeds are expected to be hauled out. In addition, movements of personnel are restricted near the launch sites 2 hours prior to a launch, no personnel are allowed on the western end of SNI during Vandal and other vehicle launches, and various environmental protection restrictions exist near the island's beaches during other times of the year.

Description of Habitat and Marine Mammals Affected by the Activity

A detailed description of the Channel Islands/southern California Bight ecosystem and its associated marine mammals can be found in several documents (Le Boeuf and Brownell, 1980; Bonnell et al., 1981; Lawson et al., 1980; Stewart, 1985; Stewart and Yochem, 2000; Sydeman and Allen, 1999) and is not repeated here.

Many of the beaches in the Channel Islands provide resting, molting or breeding places for species of pinnipeds including: northern elephant seals (*Mirounga angustirostris*), harbor seals (*Phoca vitulina*), California sea lions (*Zalophus californianus*), northern fur seals (*Callorhinus ursinus*), and Steller sea lions (*Eumetopias jubatus*). On SNI, three of these species, northern elephant seals, harbor seals, and California sea lions, can be expected to occur on land in the area of the proposed activity either regularly or in large numbers during certain times of the year. Descriptions of the biology and distribution of these three species and others in the region can be found in NAWS (2002), Stewart and Yochem (2000, 1994), Sydeman and Allen (1999), Lowry et al. (1996), Schwartz (1994), Lowry (1999) and several other documents (Barlow et al., 1997; NMFS, 2000; NMFS, 1992; Koski et al., 1998; Gallo-Reynoso, 1994; Stewart et al., 1987). General information on harbor seals and other marine mammal species found in Central California waters can be found in Caretta et al. (2001, 2002), which are available at the following URL: http://www.nmfs.noaa.gov/prot__res/ PR2/ Stock__Assessment__Program/ sars.html. Please refer to those documents and the application for further information on these species.

Potential Effects of Target Missile Launches and Associated Activities on Marine Mammals

As outlined in several previous NMFS documents, the effects of noise on marine mammals are highly variable, and can be categorized as follows (based on Richardson et al., 1995):

(1) The noise may be too weak to be heard at the location of the pinniped (i.e., lower than the prevailing ambient noise level, the hearing threshold of the animal at relevant frequencies, or both);

(2) The noise may be audible but not strong enough to elicit any overt behavioral response;

(3) The noise may elicit reactions of variable conspicuousness and variable relevance to the well being of the pinniped; these can range from temporary alert responses to active avoidance reactions such as stampedes into the sea from terrestrial haulout sites;

(4) Upon repeated exposure, pinnipeds may exhibit diminishing responsiveness (habituation), or disturbance effects may persist; the latter is most likely with sounds that are highly variable in characteristics, infrequent and unpredictable in occurrence (as are vehicle launches), and associated with situations that the pinniped perceives as a threat;

(5) Any anthropogenic noise that is strong enough to be heard has the potential to reduce (mask) the ability of pinnipeds to hear natural sounds at similar frequencies, including calls from conspecifics, and environmental sounds such as surf noise;

(6) If mammals remain in an area because it is important for feeding, breeding or some other biologically important purpose even though there is chronic exposure to noise, it is possible that there could be noise-induced physiological stress; this might (in turn) have negative effects on the well-being or reproduction of the animals involved; and

(7) Very strong sounds have the potential to cause temporary or permanent reduction in hearing sensitivity. In terrestrial mammals, and presumably marine mammals, received sound levels must far exceed the animal's hearing threshold for there to be any temporary threshold shift (TTS). For transient sounds, the sound level necessary to cause TTS is inversely related to the duration of the sound. Received sound levels must be even higher for there to be risk of permanent hearing impairment.

Sounds generated by the launches of Vandal and similar target missiles and smaller subsonic targets and missiles (BQM–34 or BQM–74 type), as they depart sites on SNI towards operational areas in the Point Mugu Sea Range, have the potential to result in the incidental harassment of seals and sea lions. Taking by harassment will potentially result from these launches when pinnipeds on the beaches near the launch sites are exposed to the sounds produced by the rocket boosters and the high-speed passage of the missiles as they depart the island on their routes to the Sea Range. However, the extremely rapid departure of the Vandal and other targets means that pinnipeds would be exposed to increased sound levels for very short time intervals (i.e., a few seconds). In addition, because launches are conducted relatively infrequently, neither physiological stress nor hearing related injuries are likely for pinnipeds exposed to more than a single launch event.

Noise generated from aircraft and helicopter activities associated with the launches may provide a potential secondary source of incidental harassment. The physical presence of aircraft could also lead to non-acoustic effects on marine mammals involving visual or other cues. There are no anticipated effects from human presence on the beaches, since movements of personnel are restricted near the launch sites two hours prior to launches for safety reasons.

Reactions of pinnipeds on the western end of SNI to Vandal target launches have not been well-studied, but based on monitoring studies conducted under the IHA for this activity on SNI in 2001 and 2002, and on other rocket launch activities and their effects on pinnipeds in the Channel Islands (Stewart et al., 1993), anticipated impacts can be predicted. In general, studies have shown that responses of pinnipeds on beaches to acoustic disturbance arising from rocket and target missile launches are highly variable. This variability may be due to many factors, including species, age class, and time of year. Among species, northern elephant seals seem very tolerant of acoustic disturbances (Stewart, 1981), whereas harbor seals (particularly outside the breeding season) seem more easily disturbed. Research and monitoring at Vandenberg Air Force Base found that prolonged or repeated sonic booms, very strong sonic booms, or sonic booms accompanying a visual stimulus, such as a passing aircraft, are most likely to stimulate seals to leave the haul-out area and move into the water. During three launches of Vandal missiles from SNI, California sea lions near the launch track line were observed from video recordings to be disturbed and to flee (both up and down the beach) from their former resting positions. Launches of the smaller BQM–34 targets from NAS have not normally resulted in harbor seals leaving their haul-out area at the mouth of Mugu Lagoon, which is approximately 3.2 km (2 mi) from the launch site. An Exocet missile launched from the west end of SNI appeared to cause far less disturbance to hauled out California sea lions than Vandal launches.

Given the variability in pinniped response to acoustic disturbance, as supported by recent IHA monitoring (Lawson et al., 2002), the Navy (NAWS, 2002) conservatively assumes that biologically significant disturbance (i.e., Level B harassment) will sometimes occur upon exposure to launch sounds with SEL's of 100 dBA (re 20 micro-Pa2 -sec) or higher for California sea lions and northern elephant seals and 90 dBA for Pacific harbor seals. A biologically significant disturbance has been defined by NMFS in several previous rulemakings (e.g., 66 FR 43442, August 17, 2001; 67 FR 46712, July 16, 2002) as a disturbance of a behavior pattern that has the potential to have an effect on the reproduction or survival of the animal or the species.

A conservative estimate of the SEL at which TTS (Level B harassment) may be elicited in harbor seals and California sea lions and northern elephant seals has been determined to be 145 dB (re 20 micro-Pa2 -sec) and 165 dB (re 20 micro-Pa2 -sec), respectively (Lawson et al., 1998). The sound levels necessary to elicit mild TTS in captive California sea lions and harbor seals exposed to impulse noises, such as sonic booms, were tens of decibels higher (Bowles et al., 1999) than sound levels measured during Vandal launches (Burgess and Greene, 1998; Greene, 1999). This evidence, in combination with the known sound levels produced by vehicles launched from SNI (described later in this document), suggests that no pinnipeds will be exposed to TTS-inducing SELs during planned launches.

Based on modeling of sound propagation in a free field situation, Burgess and Greene (1998) data were used by the Navy to predict that Vandal target launches from SNI could produce a 100–dBA acoustic contour that extends an estimated 4,263 m (13,986 ft) perpendicular to its launch track. In other words, Vandal target launch sounds are predicted to exceed the SEL (100 dBA) disturbance criteria out to a distance of 4,263 m (13,986 ft) from the ALC. Northern elephant seals, harbor seals, and California sea lions haul out in areas within the perimeter of this

100–dBA contour for Vandal launches. For BQM–34 launches from ALC, the Navy assumes that the 100 dBA contour extends an estimated 1,372 m (4,500 ft), perpendicular to its launch track (C. Malme, Engineering and Scientific Services, Hingham, MA, unpublished data). Along the launch track and ahead of the BQM–34, the 100 dBA contour extends a shorter distance (549 m or 1,800 ft). For the smaller BQM–74 and Exocet missiles, the Navy predicts that the 100 dBA contours will be smaller still. The free field modeling scenario used to predict these acoustic contours does not account for transmission losses caused by wind, intervening topography, and variations in launch trajectory or azimuth. Therefore, the predicted 100 dBA contours may be smaller at certain beach locations and for different launch trajectories.

In general, the extremely rapid departure of the Vandal and smaller targets means that pinnipeds could be exposed to increased sound levels for very short time intervals (a few seconds) potentially leading to alert and startle responses from individuals on haul out sites in the vicinity of launches. Some animals may flee to the water. Since recorded observations of the responses of pinnipeds to Vandal launches along with post-launch surveys at the SNI haulouts have not shown injury, mortality, or extended biological disturbance, the Navy anticipates that the effects of the planned target launches will have no more than a negligible impact on pinniped populations.

Since the launches are relatively infrequent, and of brief duration, it is unlikely that the pinnipeds near the launch site will become habituated to launch sounds. Pinnipeds that haul out on beaches at the western end of SNI for extended periods, or that return to haul-out sites regularly over the course of the year, may be exposed to sounds of more than a single launch, and may be ''harassed'' more than once each year. However, given the infrequency and brevity of these events, it is unlikely that much, if any, habituation to target missile launch activities has occurred.

In addition, the infrequent and brief nature of these sounds will cause masking for not more than a very small fraction of the time (usually less than 2 seconds per launch) during any single day. Therefore, the Navy assumes that these occasional and brief episodes of masking will have no significant effects on the abilities of pinnipeds to hear one another or to detect natural environmental sounds that may be relevant to the animals.

Numbers of Marine Mammals Expected to Be Taken by Harassment

NAWS provisionally estimates that the following numbers of pinnipeds may be subject to Level B harassment annually: 1,403 northern elephant seals, 457 harbor seals, and 1,637 California sea lions. To determine the number of takings by harassment annually, one would need to multiply those numbers by the number of launches conducted annually. The animals affected may be the same animals or may be different animals, depending upon site fidelity of the species. For the 5–year period of the regulations, these numbers of Level B harassment takes would be multiplied by five. Based on the results of recent monitoring of the haulouts, the estimated number of potential harassment takes would be significantly less than authorized under the two recent IHAs.

Effects of Target Missile Launches and Associated Activities on Subsistence Needs

There are no subsistence uses for these pinniped species in California waters, and, thus, there are no anticipated effects on subsistence needs.

Effects of Target Missile Launches and Associated Activities on Marine Mammal Habitat on SNI

Harbor seals, California sea lions, and northern elephant seals use various beaches around SNI as places to rest, molt, and breed. These beaches consist of sand (e.g., Red Eye Beach), rock ledges (e.g., Phoca Beach) and rocky cobble (e.g., Vizcaino Beach). Pinnipeds do not feed when hauled out on these beaches, and the airborne launch sounds will mostly reflect or refract from the water surface and, except for sounds within a diameter of approximately 60 degrees directly below the launch vehicle, will not penetrate into the water column. The sounds that do penetrate will not persist in the water near the island for more than a few seconds. Therefore, the Navy does not expect that launch activities will have any impact on the food or feeding success of these animals. The solid rocket booster from the Vandal target and the JATO bottles from the BMQs are jettisoned shortly after launch and fall into the sea west of SNI. While it is theoretically possible that one of these boosters might instead land on a beach, the probability of this occurring is very low. Fuel contained in the boosters and JATO bottles is consumed rapidly and completely, so there would be no risk of contamination even if a booster or bottle did land on the beach. Overall, the proposed target missile launches and associated activities are not expected to cause significant impacts on habitats or on food sources used by pinnipeds on SNI.

Mitigation

To avoid additional harassment to the pinnipeds on beach haul out sites and to avoid any possible sensitizing or predisposing of pinnipeds to greater responsiveness towards the sights and sounds of a launch, NAWCWD Point Mugu will limit its activities near the beaches in advance of launches. Existing safety protocols for Vandal launches provide a built-in mitigation measure. That is, personnel are normally not allowed near any of the pinniped beaches close to the flight track on the western end of SNI within two hours prior to a launch. Where practicable, NAWCWD Point Mugu will adopt the following additional mitigation measures when doing so will not compromise operational safety requirements or mission goals: (1) The Navy will attempt to limit launch activities during pinniped pupping seasons, particularly harbor seal pupping season; (2) the Navy will attempt not to launch vehicles at low elevation on launch azimuths that pass close to beach haul-out site(s); (3) the Navy will attempt to avoid multiple target launches in quick succession over haul-out sites, especially when young pups are present; and, (4) the Navy will attempt to limit launch activities during the night.

Monitoring

As part of its application, NAWS provided a proposed monitoring plan, similar to that adopted for the 2001/2002 and 2002/2003 IHAs (see 66 FR 41834, August 9, 2001; 67 FR 56271, September 3, 2002), for assessing impacts to marine mammals from Vandal and smaller subsonic target and missile launch activities on SNI. This monitoring plan is described in their application (NAWS, 2002).

The Navy proposes to conduct the following monitoring during the first year under an LOA and regulations.

Land-Based Monitoring

In conjunction with a biological contractor, the Navy will continue its land-based monitoring program to assess effects on the three common pinniped species on SNI: northern elephant seals, harbor seals, and California sea lions. This monitoring would occur at three different sites of varying distance from the launch site before, during, and after each launch.

The monitoring would be via autonomous video cameras.

During the day of each missile launch, the observer would place three digital video cameras overlooking chosen haul out sites. Each camera would be set to record a focal subgroup within the haul out aggregation for a maximum of 4 hours or as permitted by the videotape capacity.

Following each launch, all digital recordings will be transferred to DVDs for analysis. A DVD player/computer with high-resolution freeze-frame and jog shuttle will be used to facilitate distance estimation, event timing, and characterization of behavior. Details of analysis methods can be found in LGL Ltd. Environmental Research Associates et al. (LGL, 2002).

Acoustical Measurements

During each launch, the Navy would obtain calibrated recordings of the levels and characteristics of the received launch sounds. Acoustic data would be acquired using three Autonomous Terrestrial Acoustic Recorders (ATAR) at three different sites of varying distances from the target's flight path. ATARs can record sounds for extended periods (dependent on sampling rate) without intervention by a technician, giving them the advantage over traditional digital audio tape (DAT) recorders should there be prolonged launch delays of as long as 10 hours. Insofar as possible, acoustic recording locations would correspond with the sites where video monitoring is taking place. The collection of acoustic data would provide information on the magnitude, characteristics, and duration of sounds that pinnipeds may be exposed to during a launch. In addition, the acoustic data can be combined with the behavioral data collected via the land-based monitoring program to determine if there is a dose-response relationship between received sound levels and pinniped behavioral reactions. Once collected, sound files will be transferred onto compact discs (CDs) and sent to the acoustical contractor for sound analysis.

For further details regarding the installation and calibration of the acoustic instruments and analysis methods refer to LGL (2002).

Reporting Requirements

An interim technical report is proposed to be submitted to NMFS 60 days prior to the expiration of each annual LOA issued under these regulations, along with a request for a follow-on annual LOA. This interim technical report will provide full documentation of methods, results, and interpretation pertaining to all monitoring tasks for launches during the period covered by the LOA. However, only preliminary information would be available to be included for any launches during the 60–day period immediately preceding submission of the interim report to NMFS. In the unanticipated event that any cases of pinniped mortality are judged to result from launch activities at any time during the period covered by these regulations, this event will be reported to NMFS immediately.

The proposed 2003–04 launch monitoring activities will constitute the third year of formal, concurrent pinniped and acoustical monitoring during launches from SNI. Several of the questions about effects of such launch activities on pinnipeds ashore are expected to be answered before the first LOA is issued based on the 2001–2003 monitoring under IHAs. Additional questions will be answered during the first year of monitoring under an LOA in 2003–2004. Following submission in 2004 of the interim report on the first phase of monitoring under an LOA, NAWS believes that it would be appropriate for the Navy and NMFS to discuss the scope for any additional launch monitoring work on SNI subsequent to the first LOA issued under these regulations. In particular, some biological or acoustic parameters may be documented adequately prior to or during the first LOA (2003–2004), and it may not be necessary to continue all aspects of the monitoring work after the first year.

In addition to annual LOA reports, NMFS proposes to require NAWS to submit a draft comprehensive final technical report to NMFS 180 days prior to the expiration of the regulations. This technical report will provide full documentation of methods, results, and interpretation of all monitoring tasks for launches during the first four LOAs, plus preliminary information for launches during the first 6 months of the final LOA.

National Environmental Policy Act (NEPA)

In accordance with section 6.01 of the National Oceanic and Atmospheric Administration (NOAA) Administrative Order 216–6 (Environmental Review Procedures for Implementing the National Environmental Policy Act, May 20, 1999), NMFS has analyzed both the context and intensity of this action and determined, based on an EA/FONSI conducted by NMFS on the issuance of a small take authorization for Vandal and other rocket and missile launches at SNI in 2001; the NAWCWD's March, 2002 Final Environmental Impact Statement (Final EIS) to assess the effects of its ongoing and proposed operations in the Sea Range of Point Mugu; and the content and analysis of NAWS's October, 2002 request for the proposed regulations to govern this activity, that this proposed action will not individually or cumulatively result in a significant impact on the quality of the human environment as defined in 40 CFR 1508.27. Therefore, this action is categorically excluded from further environmental review.

Endangered Species Act (ESA)

If NMFS proceeds with rulemaking, it will consider whether consultation under section 7 of the ESA is warranted.

Coastal Zone Management Act Consistency

On February 14, 2001, by a unanimous vote, the State of California Coastal Commission concluded that, with the monitoring and mitigation commitments the Navy has incorporated into their various testing and training activities on the Point Mugu Sea Range, including activities on SNI, and including the commitment to enable continuing Commission staff review of finalized monitoring plans and ongoing monitoring results, the activities are consistent with the marine resources, environmentally sensitive habitat and water quality policies (Sections 30230, 30240, and 30231) of the California Coastal Act.

National Marine Sanctuaries Act

According to the Navy, except for aircraft and vessel traffic transiting the area, none of the Navy's proposed activities would take place within the Channel Islands National Marine Sanctuary (CINMS). Also, all Navy Sea Range test and training activities are consistent with CINMS regulations (15 CFR 920.70).

Information Solicited

As this document is being published in conformance with NMFS regulations implementing the small take program (50 CFR 216.104(b)(1)(ii)), NMFS requests interested persons to submit comments, information, and suggestions concerning the request and the structure and content of the regulations to allow the taking. As required by 50 CFR 216.105, NMFS will consider this information in developing proposed regulations to authorize the taking. Prior to submitting comments, NMFS recommends reviewers of this document read the responses to comments made previously (see 66 FR 41843, August 9, 2001; 67 FR 56271, September 3, 2002) for this action, as NMFS does not intend to address these issues further without the submission of additional scientific information to the comment. If NMFS proposes regulations to allow this take, interested parties will be provided with a 45–day period within which to submit comments on the proposed rule.

Dated: March 5, 2003.

Brian P. Hayden,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

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BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 030503A]

Caribbean Fishery Management Council; Public Meeting

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

ACTION: Notice of public meetings.

SUMMARY: The Caribbean Fishery Management Council (Council) and its Administrative Committee will hold meetings.

DATES: The meetings will be held on March 25–26, 2003. The Council will convene on Tuesday, March 25, 2003, from 9 a.m. to 4 p.m., and the Administrative Committee will meet from 4:15 p.m. to 5:30 p.m. The Council will reconvene on Wednesday, March 26, 2003, from 9 a.m. to 5 p.m., approximately.

ADDRESSES: The meetings will be held at the Wyndham Sugar Bay Beach Club and Resort, 6500 Estate Smith Bay, St. Thomas, U.S.V.I.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, 268 Munoz Rivera Avenue, Suite 1108, San Juan, Puerto Rico 00918–1920, telephone: (787) 766–5926.

SUPPLEMENTARY INFORMATION: The Council will hold its 111th regular public meeting to discuss the items contained in the following agenda:

March 25, 2003, 9:00 a.m. 4:00 p.m.

A. Call to Order

B. The Role of Marine Reserves in Conservation Ethics and Ecosystem-Based Management - Dr. Jim Bohnsack

C. Essential Fish Habitat (EFH)-Draft Environmental Impact Statement (DEIS) Progress Report

-Schedule for the Submissions of DEIS

-Agenda items for Scientific and Statistical Committee (SSC)/Habitat Advisory Panel (HAP) Meeting April 24–25, 2003

D. Recommendations from Fisheries Workshops - Dr. Lee Carrubba

E. Stomach Analysis of Deep Water Snappers - Dr. Edgardo Ortiz, 4:15 p.m. - 5:30 p.m.

A. Administrative Committee Meeting

-Advisory Panel (AP)/SSC/HAP Membership

-Budget: 2002, 2003, 2004–05

-Queen Conch Initiative --Projects for Education and Scientific Literature

-Personnel Issues and Statement of Organization, Practices and Procedures (SOPPs)

-Other Business

March 26, 2003, 9 a.m. - 5 p.m.

A. Sustainable Fisheries Act (SFA):

-Status Criteria of Species: Discussion of Table 4 of SFA Document G. Garcia-Moliner

-Schedule to Finish the Caribbean Fishery Management Council/SFA Document

B. Enforcement

-Federal Government

-Puerto Rico

-U.S. Virgin Islands

-U.S. Coast Guard

C. Administrative Committee Recommendations

-March 25, 2003

D. Meetings Attended by Council Members and Staff

-Chairs and Executive Directors' Meeting, Washington, D.C.

-Enforcement Conference, Dominican Republic

-Coral Reef Task Force Meeting, Washington, D.C.

-Southeast Data and Review (SEDAR) Workshop, St. Petersburg, Fl.

E. Other Business

F. Next Council Meeting

The meetings are open to the public, and will be conducted in English. Fishers and other interested persons are invited to attend and participate with oral or written statements regarding agenda issues.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. 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 Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. For more information or request for sign language interpretation and/other auxiliary aids, please contact Mr. Miguel A. Rolon, Executive Director, Caribbean Fishery Management Council, 268 Munoz Rivera Avenue, Suite 1108, San Juan, Puerto Rico, 00918–2577, telephone: (787) 766–5926, at least 5 days prior to the meeting date.

Dated: March 5, 2003.

Theophilus R. Brainerd,

Acting Director, Office of Sustainable FisheriesNational Marine Fisheries Service.

[FR Doc. 03–5758 Filed 3–10–03; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022703B]

Endangered Species; File No. 1420

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

ACTION: Receipt of application.

SUMMARY: Notice is hereby given that Douglas Peterson, Ph.D., Warnell School of Forest Resources (Fisheries Division), University of Georgia, Athens, Georgia 30602, has applied in due form for a permit to take shortnose sturgeon, *Acipenser brevirostrum* for purposes of scientific research.

DATES: Written or telefaxed comments must be received on or before April 10, 2003.

ADDRESSES: The application and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)713–0376; and

Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702–2432; phone (727)570–5301; fax (727)570–5320.

FOR FURTHER INFORMATION CONTACT: Jennifer Jefferies or Gene Nitta, (301)713–2289.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

Dr. Peterson seeks authorization to sample and track shortnose sturgeon, *Acipenser brevirostrum*, in the Altamaha River in Georgia. Annually, up to 200 fish will be taken via gill and trammel netting, measured, weighed, PIT and Carlin tagged, tissue and pectoral fin ray samples will be taken, and the fish subsequently released.

Additionally, up to 10 of the total fish sampled annually will also receive an internal radio-sonic transmitter. Dr. Peterson also proposes to deploy artificial substrate samplers from February to mid-March to collect up to 100 shortnose sturgeon eggs annually. The samplers will be checked and reset daily during the spawning season and the eggs collected and preserved for subsequent laboratory analysis to determine percent viability. Dr. Peterson seeks authorization to conduct the research for five years.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301)713–0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or by other electronic media.

Dated: February 28, 2003.

Stephen L. Leathery,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 03–5645 Filed 3–10–03; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022103C]

Vessel Monitoring Systems; List of Approved Mobile Transmitting Units and Communications Service Providers

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

ACTION: Notice of vessel monitoring systems; approval.

SUMMARY: This document provides notice of the vessel monitoring systems (VMS) approved by NOAA for use by pelagic longline vessels in the Atlantic Highly Migratory Species (HMS) Fisheries and sets forth relevant features of each VMS. This notification is being issued to replace the approval notice published on September 9, 1999.

ADDRESSES: To obtain copies of the list of NOAA approved VMS mobile transmitting units and NOAA approved VMS communications service providers, or information regarding the status of VMSs being evaluated by NOAA for approval, write to NMFS Office for Law Enforcement (OLE), 8484 Georgia Avenue, Suite 415, Silver Spring, MD 20910.

To submit a completed and signed checklist, mail or fax it to NOAA Enforcement, 9721 Executive Center Drive North, Koger Building, St. Petersburg, FL 33702, fax 727–570–5375.

For more addresses regarding approved VMSs, see the **SUPPLEMENTARY INFORMATION** section, under the heading VMS Provider Addresses.

FOR FURTHER INFORMATION CONTACT: For current listing information Mark Oswell, Outreach Specialist, phone 301–427–2300, fax 301–427–2055. For questions regarding VMS installation, activation checklists, and status of evaluations, contact Jonathan Pinkerton, National VMS Program Manager, phone 301–427–2300, fax 301–427–2055. For questions regarding the checklist, contact Fred Kyle, Special Agent, NMFS Office for Law Enforcement, Southeast Division, phone 727–570–5344.

The public may acquire this notice, installation checklist, and relevant updates via the ‘‘fax-back’’ service, or at the OLE website *http://www.nmfs.noaa.gov/ole/vms.html* Telephone requests can be made by calling 301–427–2300.

SUPPLEMENTARY INFORMATION:

I. The VMS Requirement

The NMFS issued a regulation (64 FR 29090, May 28, 1999) codified at 50 CFR 635.69, requiring the use of VMS by vessels permitted to fish for HMS and that have pelagic longline gear onboard. Due to litigation, the requirement had been suspended until recently. The placement of VMS units on the fishing vessels in this fishery will enable NMFS to determine vessel locations and will complement the Agency's efforts to monitor and enforce compliance with applicable regulations.

This document provides notice of the VMS mobile transceiver units and the mobile communications service providers that have been approved by NOAA for use in the HMS Fisheries. This notice is being issued to replace the approval notice published on September 9, 1999 (64 FR 48988). The VMS consists of both the mobile transceiver unit placed on the vessel and the communications service provider that supplies the wireless link between the unit on the vessel and the shoreside data user. In the HMS Fisheries, the vessel owner is required to procure both VMS components. The two VMS components may, or may not, be provided by a single vendor. Thus, the vessel owner may need to procure the mobile transceiver unit and the mobile communications service separately.

To the extent that the use of VMS is required by applicable regulations, NMFS is considered to be the operator and user of the VMS mobile transceiver unit and the user of any required data, regardless of who is required to pay for the mobile transceiver unit onboard a vessel and for the associated communications services. Accordingly, NMFS will specify how the VMS mobile transceiver units must be configured, installed, and activated. This does not, however, preclude the vessel owner from procuring a VMS that provides additional services and capabilities used exclusively by the vessel owner and operator.

On September 23, 1993, NMFS published proposed VMS standards at 58 FR 49285. On March 31, 1994, NMFS published final VMS standards at 59 FR 15180. These documents stated that NMFS endorses the use of VMS and defined specifications and criteria for their use.

On September 8, 1998, NOAA published a request for information (RFI) in the Commerce Business Daily in which it stated the minimum VMS specifications necessary for NOAA's approval. The RFI requested that responses from interested VMS providers include supporting information which would demonstrate that the VMS could meet the minimum specifications established by NMFS OLE. The submitted supporting information was used as the basis for approving the mobile transceiver units and communications service providers specified in this document.

This document lists each currently approved VMS and sets forth the features of each VMS. The list of VMS mobile transceiver units and communications service providers approved by NOAA will be updated and revised as others are approved. The list will be posted on the NMFS OLE website and will contain revisions when required.

As noted above, implementation of required VMS usage in the HMS fisheries was delayed until a court recently upheld the HMS VMS HMS requirement. NMFS will issue a separate notice in the **Federal Register** specifying the effective date of the requirement to have a working VMS unit installed onboard a vessel that has left port and that has HMS permits and pelagic longline gear. However, fishing vessel owners and operators should not delay their purchase and installation of a VMS mobile transceiver unit until the last day. Vendors may require extended periods of time to deliver a mobile transceiver unit and to complete its installation.

II. VMS Mobile Transceiver Units

A. INMARSAT-C Transceivers

The Inmarsat-C satellite communications VMS transmitting units that meet the minimum technical requirements for the HMS Fisheries are as follows: Thrane & Thrane Fishery ''Capsat'' (part number TT–3022D-NMFS); Trimble Galaxy TNL7005 (part number 17760–45) with software v5.1; and Trimble Galaxy Courier TNL8005 (part number 30090–45) with software v5.1. Both Trimble units use antenna part number 25132–01 and must run software version 5.1, or later. Those vessels using earlier versions of Trimble software (5.0, and earlier) must contact their Trimble-Authorized Support Dealer to perform an upgrade to firmware version 5.10 or 5.10a, and set the parameters equivalent to software version 5.1, or later. The addresses for the Thrane & Thrane distributor (LandSea Systems) and the Trimble dealer contact are provided under the heading VMS Provider Addresses. Though both Trimble units are approved for use, they are no longer being manufactured. Units still may be available at Trimble-authorized dealers.

Pursuant to 50 CFR 635.69(d), the NMFS will provide an installation and activation checklist for the below listed units which the vessel owner must follow. The vessel owner must sign a statement on the checklist certifying compliance with the installation procedures and return the checklist to NMFS. Installation can be performed by experienced crew or by an electronics specialist, and the installation cost is paid by the owner.

The owner may confirm that automated position reports are being received by calling the NMFS Office for Law Enforcement in St. Petersburg, FL at 727–570–5344.

Thrane & Thrane TT–3022D-NMFS features: The transceiver consists of an integrated GPS/Inmarsat-C unit in the wheelhouse and an antenna mounted atop the vessel. The unit is factory pre-configured for NMFS VMS operations (non-Global Maritime Distress & Safety System (non-GMDSS)). Satellite commissioning services are provided by LandSea Systems personnel.

Automatic GPS position reporting starts after transceiver installation and power activation onboard the vessel. The unit is a car-radio-sized transceiver using a floating 10 to 32 VDC power supply. The unit is configured for automatic reduced position transmissions when the vessel is stationary (i.e., in port). It allows for port stays without power drain or power shut down. The unit restarts normal position transmission automatically when the vessel goes to sea.

The outside antenna, model TT–3005M, is a compact omni-directional Inmarsat-C/GPS antenna, providing operation down to -15 deg. angles. Although the unit contains push buttons to request emergency assistance from United States search and rescue authorities, search and rescue authorities can use the transceiver to communicate with the vessel only when additional equipment not required by NMFS is purchased (i.e., a message terminal display).

A configuration option is available to automatically send position reports to a private address, such as a fleet management company. Another available option is the ability to send and receive private e-mail and other messages with the purchase and installation of an input device such as a laptop or personal computer.

A vessel owner wishing to purchase this system may contact the entity identified under the heading VMS Provider Addresses for Thrane & Thrane TT–3022D-NMFS. The owner should identify himself or herself as a vessel owner in the ''United States HMS Fishery.'' The Thrane & Thrane transceiver and antenna the vessel owner purchases will be configured for the HMS Fisheries.

To use this transceiver, the vessel owner will need to establish an Inmarsat-C system use contract with an approved Inmarsat-C communications service provider. The owner will be required to complete the Inmarsat-C ''Registration for Service Activation for Maritime Mobile Earth Station.'' The owner should consult with LandSea when completing this form.

LandSea Systems personnel will perform the following before shipment: (a) configure the TT–3022D-NMFS according to NMFS OLE specifications for the HMS Fisheries; (b) download the predetermined NMFS position reporting and broadcast command identification numbers into the transceiver; (c) test the transceiver to ensure operation when installation has been completed on the vessel; and (d) forward the Inmarsat service provider and transceiver identifying information to the NOAA Office for Law Enforcement.

Trimble Galaxy TNL7005 part number 17760–45, Software v5.1, features: The transceiver consists of an integrated GPS/Inmarsat-C unit in the wheelhouse and an antenna mounted atop the vessel. The unit is factory pre-configured for NMFS VMS operations (non-GMDSS). The installation will be performed by Trimble-authorized support dealers and must be paid for by the owner.

Automatic GPS position reporting starts after coordination with the communications service provider. Although the unit contains push buttons to request emergency assistance from United States search and rescue authorities, search and rescue authorities can use the transceiver to communicate with the vessel only when additional equipment not required by NMFS is purchased (i.e., a message terminal display).

A configuration option is available to automatically send position reports to a private address, such as a fleet management company. Another available option is the ability to send/receive private e-mail and other messages with the purchase and installation of an input device, such as a laptop or personal computer.

Trimble Galaxy Courier TNL8005 part number 30090–45, Software v5.1 features: The Trimble Galaxy Courier TNL8005 transceiver has the same features as the Trimble Galaxy TNL7005, except that it also includes an integrated computer for messaging, including Internet e-mail. The unit is factory pre-configured for NMFS VMS operations, and it is GMDSS.

Trimble Galaxy--General features: A vessel owner wishing to purchase this system should contact the entity identified under VMS Provider Addresses for Trimble Galaxy Information. The owner should identify himself or herself as a vessel owner in the ''United States HMS Fishery.''

In addition to purchasing an approved Trimble transceiver (TNL7005 or TNL8005) and an antenna for the HMS fishery, the vessel owner will need to establish an Inmarsat-C system use contract with an approved Inmarsat-C communications service provider. The transceiver will need to be commissioned with the service provider.

The installation of the transceiver and antenna must be paid for by the owner. To set up the transceiver for NMFS VMS operations, the owner will (a) turn on the power of the vessel transceiver; (b) contact the Inmarsat-C system communications service provider; (c) have the service provider's Customer Service download the pre-determined NMFS position reporting and broadcast commands from the provider's control center to the vessel transceiver via satellite; and (d) confirm with Customer Service that periodic position reports are now automatically being sent to NOAA. Customer Service will confirm service activation by forwarding to the Office for Law Enforcement the following identifying information: (a) Trimble transceiver serial number; (b) Inmarsat Identification number; (c) Data Network Identification (DNID) and member numbers; (d) Enhanced Network Identification (ENID) numbers; (e) owner name; (f) vessel name; and (g) Vessel documentation or registration number.

III. Communications Service Providers

NMFS OLE has approved the below-listed Telenor and Xantic satellite communications services for the Atlantic HMS fishery. It is recommended that the vessel owner keep for his or her records and that Telenor and Xantic have on record the following identifying information: (a) signed and dated receipts and contracts; (b) transceiver serial number; (c) Telenor or Xantic customer number, user name and password; (d) e-mail address of transceiver; (e) Inmarsat identification number; (f) Data Network Identification numbers (DNID and ENID), including the member number; (g) owner name; (h) vessel name; (i) vessel documentation or registration number; and (j) mobile earth station license (FCC license).

The owner may confirm transceiver operation and communications service to ensure that position reports are automatically sent to and received by the Office for Law Enforcement before leaving on a fishing trip under VMS. The NOAA Office for Law Enforcement does not regard the fishing vessel as meeting the requirements of 50 CFR 635.69 until position reports are automatically received. For confirmation purposes, contact the NOAA Office for Law Enforcement in St. Petersburg, FL, at 727–570–5344.

A. Telenor Satellite Services/Inmarsat-C

Inmarsat-C is a store-and-forward data messaging service. Inmarsat-C allows users to send and receive information virtually anywhere in the world - on land, at sea, and in the air. Inmarsat-C supports a wide variety of applications including Internet e-mail, position and weather reporting, a free daily news service, and remote equipment monitoring and control. Mariners can use Inmarsat-C free of charge to send critical safety at sea messages as part of the U.S. Coast Guard's Automated Mutual-Assistance Vessel Rescue system and of the NOAA Shipboard Environmental Acquisition System programs. For the Telenor address, look under the heading VMS Provider Addresses.Inmarsat-C features: Vessel owners wishing to use Inmarsat-C will need to purchase an Inmarsat-C transceiver and antenna approved for the fishery. The owner will need to complete an Inmarsat-C system use contract with Telenor, including a provision for a mobile earth station license (FCC requirement). The transceiver will need to be commissioned with Inmarsat according to Telenor instructions. The owner should refer to and follow the configuration, installation, and service activation procedures for the specific transceiver purchased.

B. Xantic

Xantic is a provider of Inmarsat satellite communications services. Xantic offers seamless, global Inmarsat-C coverage. Xantic is approved for VMS use with Inmarsat-C services. For the Xantic address, look under the heading VMS Provider Addresses.

Xantic features: Customer Service supports the security and privacy of vessel accounts and messages with the following: (a) password authentication for vessel owners or agents and for the NOAA Office for Law Enforcement to prevent unauthorized changes or inquiries; and (b) separation of private messages from Office for Law Enforcement messages. (The Office for Law Enforcement receives VMS-related position reports only.)

Billing is separated between accounts for the vessel owner and the NOAA Office for Law Enforcement. VMS position reports and vessel-initiated messaging are paid for by the vessel owner. Messaging initiated from the Office for Law Enforcement operations center is paid for by NOAA.

Customer Service supports and establishes a two-way transmission of transceiver unit configuration commands between the transceiver and land-based control centers. This supports the Office for Law Enforcement's message needs and, optionally, fishermen's private message needs.

When the transceiver transmits a message requesting emergency assistance (GMDSS alert), Xantic (through Inmarsat) forwards the information to the United States Coast Guard. However, unless non-NMFS required equipment is purchased (i.e., an addition of a message terminal display), the United States Coast Guard can not use the transceiver to communicate with the vessel.

The vessel owner can configure automatic position reports to be sent to a private address, such as to a fleet management company. The vessel can send and receive private e-mail and other messages when the transceiver has such an input device as a laptop or personal computer attached.

Vessel owners wishing to use Xantic will need to purchase an Inmarsat-C transceiver and antenna approved for the fishery. The owner will need to complete an Inmarsat-C system use contract with Station 12, including a mobile earth station license (FCC requirement). The transceiver will need to be commissioned with Inmarsat according to Xantic's instructions. The owner should refer to and follow the configuration, installation, and service activation procedures for the specific transceiver purchased.

IV. VMS Provider Addresses

For Thrane & Thrane TT–3022D-NMFS information, contact Ken Ravenna, Marine Products, LandSea Systems, Inc.,509 Viking Drive, Suite K, L & M, Virginia Beach, VA 23452; voice: 757–463–9557; fax: 757–463–9581, e-mail: *KCR@LandSeaSystems.com.*; website: http://*www.landseasystems.com*.

For regional dealer information about the Trimble Galaxy transceiver units, contact Tom Mackey at 1–800–477–1207, or a Trimble-Authorized Support Dealer, based at local marine electronics outlets.

For Telenor information, contact Telenor Satellite Services, 6560 Rock Spring Drive, Bethesda, MD 20817; Telenor Customer Care, phone: 800–685–7898 or 301–838–7700; e-mail: *www.customercare@telenor-usa.com.*; website: *www.telenor-usa.com*. Alternate Contact: Courtney Coleman, Manager COMSAT-C Services Marketing, 6560 Rock Spring Dr., Bethesda, MD 20817; phone: 301–214–3293.e-mail: *courtney.coleman@telenor-usa.com*.

For Xantic information, contact Xantic, Andre Cortese, 1211 Connecticut Ave., NW, Suite 504, Washington, DC 20036; telephone number: 202–785–5615; e-mail: *andrea.cortese@xantic.net*; Customer Service, Netherlands, toll free: 1–888–440–8988; website: *www.xantic.net*.

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

Dated: March 3, 2003.

Rebecca Lent,

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

[FR Doc. 03–5643 Filed 3–10–03; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0079]

Federal Acquisition Regulation; Information Collection; Corporate Aircraft Costs

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance (9000–0079).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning corporate aircraft costs. This OMB clearance expires on June 30, 2003.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before May 12, 2003.

ADDRESSES: Submit comments, including suggestions for reducing this burden to the General Services Administration, FAR Secretariat (MVA), 1800 F Street, NW., Room 4035, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Edward Loeb, Acquisition Policy Division, GSA, (202) 501–0650.

SUPPLEMENTARY INFORMATION:

A. Purpose

Government contractors that use company aircraft must maintain logs of flights containing specified information to ensure that costs are properly charged against Government contracts and that directly associated costs of unallowable activities are not charged to such contracts.

B. Annual Reporting Burden

Number of Respondents: 3,000 .
Responses Per Respondent: 1.
Total Responses: 3,000.
Average Burden Per Response: 6 hours.
Total Burden Hours: 18,000.
Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, FAR Secretariat (MVA), Room 4035, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0079, Corporate Aircraft Costs, in all correspondence.

Dated: March 5, 2003.

Laura G. Smith,

Director, , Acquisition Policy Division.

[FR Doc. 03–5669 Filed 3–10–03; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF ENERGY

Notice of Availability of the Final Environmental Assessment for Waste Disposition Activities at the Paducah Gaseous Diffusion Plant

AGENCY: Department of Energy, DOE.

ACTION: Notice of availability.

SUMMARY: The Department of Energy (DOE), announces the availability of the Finding of No Significant Impact and Environmental Assessment (EA) for Waste Disposition Activities at the Paducah Site (DOE/EA–1339). The EA has been prepared in accordance with the requirements of the National Environmental Policy Act of 1969 as amended (NEPA) (42 U.S.C. 4321 *et seq.*); Council on Environmental Quality regulations implementing NEPA, 40 CFR Parts 1500–1508; and DOE NEPA Implementing Procedures, 10 CFR Part 1021.

ADDRESSES: Copies of the EA may be obtained from: U.S. Department of Energy, Paducah Site Office, Attn: Mr. Gary Bodenstein, PO Box 1410, Paducah, KY 42001, fax (1–270–441–6801), (*BodensteinGW@oro.doe.gov*).

The EA is available for review at the U.S. Department of Energy Environmental Information Center, Barkley Centre, 115 Memorial Drive, in Paducah Kentucky. The EA is also available for review at the U.S. Department of Energy Information Center at 475 Oak Ridge Turnpike, Oak Ridge, TN 37830.

FOR FURTHER INFORMATION CONTACT: For general information on the DOE NEPA process, please contact: Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, telephone 202–586–4600, or leave a message at 1–800–472–2756.

SUPPLEMENTARY INFORMATION: The U.S. Department of Energy (DOE) has completed an environmental assessment (DOE/EA–1339) for proposed disposition of polychlorinated biphenyl (PCB) wastes, low-level radioactive waste (LLW), mixed low-level radioactive waste (MLLW), and transuranic (TRU) waste from the Paducah Site in Paducah, Kentucky. All of the wastes would be transported for disposal at various locations in the United States. Based on the results of the impact analysis reported in the EA, DOE has determined that the proposed action is not a major federal action that would significantly affect the quality of the human environment within the context of the National Environmental Policy Act of 1969 (NEPA). Therefore, preparation of an environmental impact statement was not necessary, and DOE is issuing this Finding of No Significant Impact (FONSI).

Issued in Oak Ridge, Tennessee on March 3, 2003.

James L. Elmore,

Alternate NEPA Compliance Officer.

[FR Doc. 03–5736 Filed 3–10–03; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notice of Inventions Available for License

AGENCY: Office of General Counsel, Department of Energy.

ACTION: Notice of inventions available for license.

SUMMARY: The Department of Energy hereby announces that the following patents are available for license, in accordance with 35 U.S.C. 207–209: U.S. Patent No. 6,200,816B1, entitled ''Method for Measuring Particulate and Gaseous Metals in a Fluid Stream, Device for Measuring Particulate and Gaseous Metals in a Fluid Stream''; U.S. Patent No. 6,379,841, entitled ''Solid State Electrochemical Current Source''. A copy of the patents may be obtained, for a modest fee, from the U.S. Patent and Trademark Office, Washington, DC 20231.

FOR FURTHER INFORMATION CONTACT: Robert J. Marchick, Office of the Assistant General Counsel for Technology Transfer and Intellectual Property, U.S. Department of Energy, 1000 Independence Ave., SW., Washington, DC 20585; Telephone (202) 586–2802.

SUPPLEMENTARY INFORMATION: 35 U.S.C. 207 authorizes licensing of Government-owned inventions. Implementing regulations are contained in 37 CFR 404.37 CFR 404.7(a)(1) authorizes exclusive licensing of Government-owned inventions under certain circumstances, provided that notice of the invention's availability for license has been announced in the **Federal Register**.

Issued in Washington, DC, on March 5, 2003.

Paul A. Gottlieb,

Assistant General Counsel for Technology, Transfer and Intellectual Property.

[FR Doc. 03–5735 Filed 3–10–03; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–5–003]

Algonquin Gas Transmission Company; Notice of Extension of Time

March 4, 2003.

By this notice, the date for filing interventions, protests, and comments in this proceeding, is hereby extended to and including April 7, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5656 Filed 3–10–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–266–000]

Clear Creek Storage Company, L.L.C.; Notice of Tariff Filing

March 4, 2003.

Take notice that on February 28, 2003, pursuant to 18 CFR 154.7, and in response to the Commission's October 31, 2002, Order on Remand, Clear Creek Storage Company, L.L.C., (Clear Creek) tendered for filing and acceptance to be effective March 31, 2003, proposed revised tariff sheets to Original Volume No. 1 of its FERC Gas Tariff as listed below:

First Revised Sheet No. 47
Second Revised Sheet Nos. 44 and 46A
Third Revised Sheet Nos. 4A and 38
Fourth Revised Sheet No. 41

Clear Creek states that through this filing it will revise its tariff by (1) removing the term matching cap for the right of first refusal and (2) reinstating the price cap for short-term releases. Clear Creek states further that a copy of this filing has been served upon its customers and the Public Service Commission of Wyoming.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.314 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: March 12, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5662 Filed 3–10–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–270–000]

Kern River Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

March 4, 2003.

Take notice that on February 28, 2003, Kern River Gas Transmission Company (Kern River) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, to be effective as indicated below:

Third Revised Ninth Revised Sheet No. 5 (Effective 4–1–03)
Second Revised Tenth Revised Sheet No. 5 (Effective 5–1–03)
Second Revised Seventh Revised Sheet No. 6 (Effective 4–1–03)
Second Revised Eighth Revised Sheet No. 6 (Effective 5–1–03)

Kern River states that the purpose of this filing is to adjust the electric compressor fuel surcharge applicable to rolled-in rate shippers for quantities of gas scheduled for delivery downstream of the Daggett compressor station and to incorporate the revised surcharge into Kern River's tariff, to be effective April 1, 2003. In conjunction with this filing, and in compliance with the Commission's ''Order Issuing Certificate'' dated July 26, 2001, pertaining to Kern River's 2002 Expansion Project, Kern River also is submitting a work paper showing the net benefit to vintage shippers of rolling in its 2002 expansion project after actual fuel costs are considered. Kern River states that it has served a copy of this filing upon its customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.314 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: March 12, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5664 Filed 3–10–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP03–54–000]

Midwestern Gas Transmission Company; Notice of Application

March 4, 2003.

On February 24, 2003, Midwestern Gas Transmission Company (Midwestern), P.O. Box 542500, Omaha, Nebraska 68154–8500, filed in Docket No. CP03–54–000, an application pursuant to Section 7(b) of the Natural Gas Act (NGA), as amended, and part 157 of the regulations of the Federal Energy Regulatory Commission (Commission), for authorization to abandon a natural gas compressor unit and appurtenant facilities located at Compressor Station No. 2110, in Pike County, Indiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing is available for review at the Commission or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Midwestern states that it proposes to abandon in place a 1,100 horsepower Solar Saturn turbine and appurtenant facilities located at Compressor Station No. 2110, in Pike County, Indiana (Unit 2110–B). Compressor Station No. 2110 is located on Midwestern's mainline, which extends from Sumner County, Tennessee to Will County, Illinois.

Midwestern states that Unit 2110–B was originally installed in 1979, was certified in Docket No. CP73–244, and on December 21,2000, Midwestern filed a petition for exemption pursuant to Section 7(c)(1)(B) of the NGA. Midwestern states that the petition requested authority to inactivate Unit 2110–B on a temporary basis for a period of 18 to 24 months and that the petition was noticed on January 4, 2001. Midwestern states also that the petition explained that Unit 2110–B was expensive to operate and difficult to maintain due to its age (over 20 years). According to Midwestern, Unit 2110–B's capacity accounts for approximately 1.6% of the total horsepower on the Midwestern system and that abandonment of Unit 2110–B would reduce the capacity by approximately 4 MMcf/d, less than 1% of Midwestern's total throughput capacity. Midwestern states that the abandonment of this natural gas compressor unit will not affect current services on Midwestern's system. According to Midwestern, its current firm commitments across the affected pipeline segment totals 518 MMcf/d. With Unit 2110–B operating, Midwestern's mainline has a certified capacity of 678 MMcf/d but over the past two years the average throughput of the Midwestern system has been 296 MMcf/d. For the past three months, Midwestern states that the average throughput has been 318 MMcf/d. A Commission order granting the petition for exemption was issued on February 23, 2001.

Since the Commission's February 23, 2001 order, Midwestern states that it has determined that Unit 2110–B is not required to meet the firm service commitments of its existing customers and that current market conditions and volumetric requirements through Compressor Station No. 2110 do not show a need for Unit 2110–B.

Midwestern states that Unit 2110–B is one of five natural gas compressor units located at Compressor Station No. 2110 and that there are no changes required to the four remaining natural gas compressor units or station facilities to meet the current service demands at this location on Midwestern's system. According to Midwestern, Unit 2110–B will be deactivated by removal of valving and associated piping and at such time that the retired natural gas compressor unit and any related appurtenant facilities are dismantled and removed, there is not expected to be any adverse effect on the environment. These facilities are located above ground, on previously disturbed ground, entirely within the boundaries of the Compressor Station No. 2110 site and no ground disturbance is foreseen in the abandonment of this natural gas compressor unit.

Any questions concerning this application may be directed to Raymond D. Neppl, Vice President, Regulatory Affairs and Market Services, Midwestern Gas Transmission Company, P.O. Box 542500, Omaha, Nebraska 68154–8500, at (402) 492–7428.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10) by the comment date below. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

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.

If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final Commission order approving or denying a certificate will be issued.

Comment Date: March 24, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5657 Filed 3–10–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–264–000]

Midwestern Gas Transmission Company ; Notice of Proposed Changes in FERC Gas Tariff

March 4, 2003.

Take notice that on February 28, 2003, Midwestern Gas Transmission Company (Midwestern) tendered for filing, its ninth annual cashout report for the September 2001 through August 2002 period.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.314 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: March 11, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5661 Filed 3–10–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–262–000]

Natural Gas Pipeline Company of America; Notice of Proposed Changes in FERC Gas Tariff

March 4, 2003.

Take notice that on February 27, 2003, Natural Gas Pipeline Company of America (Natural) tendered for filing with the Federal Energy Regulatory Commission (Commission), certain tariff sheets to become part of its FERC Gas Tariff, Sixth Revised Volume No. 1 (Tariff), to be effective March 31, 2003.

Natural states that the purpose of this filing is to make several minor revisions to the General Terms and Conditions of Natural's Tariff.

Natural requests waivers of the Commission's Regulations to the extent necessary to permit the proposed tariff sheets to become effective March 31, 2003.

Natural states that copies of the filing are being mailed to its customers and state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.314 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: March 11, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5659 Filed 3–10–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–267–000]

Northern Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

March 4, 2003.

Take notice that Northern Natural Gas Company (Northern) on February 28, 2003, tendered for filing to become part of Northern's FERC Gas Tariff, the following tariff sheets proposed to be effective on April 1, 2003:

Fifth Revised Volume No. 1
Fifth Revised Sheet No. 200
First Revised Sheet No. 206A
Fifth Revised Sheet No. 221
Fourth Revised Sheet No. 222
Original Sheet No. 222A
First Revised Sheet No. 254
Sheet No. 486

Northern states that the reason for the instant filing is to provide for the electronic contracting for service under rate schedules in Northern's FERC Gas Tariff. Northern's new contracting system, which will be implemented on or about April 1, 2003, will enable Northern and its shippers to enter into contracts via Northern's Internet website.

Northern further states that copies of the filing have been mailed to each of its customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.314 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: March 12, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5663 Filed 3–10–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–263–000]

Wyoming Interstate Company, Ltd.; Notice of Filing

March 4, 2003.

Take notice that on February 27, 2003, Wyoming Interstate Company, Ltd. (WIC), tendered for filing and acceptance by the Federal Energy Regulatory Commission Tenth Revised Sheet No. 4C to its Second Revised Volume No. 2 Tariff to become effective April 1, 2003.

WIC states that the tendered tariff sheet revises the Columbia Exit Fee Surcharge Credits applicable to WIC's maximum rate firm and interruptible shipper's transportation service on WIC's system. This tariff sheet is proposed to become effective April 1, 2003.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.314 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: March 11, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5660 Filed 3–10–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

[Docket No. ER03–556–000, et al.]

Federal Energy Regulatory Commission

February 28, 2003.

Ameren Services Company, *et al.*; Electric Rate and Corporate Filings

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

1. Ameren Services Company

[Docket Nos. ER03–556–000 and ER03–96–000]

Take notice that on February 24, 2003, Ameren Services Company (ASC) tendered for filing an unexecuted Service Agreement for Firm Point-to-Point Transmission Services between ASC and Cinergy Services, Inc., acting as agent for Southwestern Electric Cooperative, Inc. ASC asserts that the purpose of the Agreement is to replace the unexecuted Agreement in Docket No. ER03–96–000 with the executed Agreement.

Comment Date: March 17, 2003.

2. The United Illuminating Company

[Docket No. ER03–557–000]

Take notice that on February 26, 2003, The United Illuminating Company (UI) tendered for filing Service Agreement No. 22 under UI's FERC Electric Tariff, Second Revised Volume No. 4, a non-firm point-to-point transmission service agreement between UI and Green Mountain Power Corporation. UI requests an effective date for the service agreement of January 29, 2003.

Comment Date: March 19, 2003.

3. Nevada Power Company

[Docket No. ER03–558–000]

Take notice that on February 25, 2003, Nevada Power Company tendered for filing with the Federal Energy Regulatory Commission pursuant to section 205 of the Federal Power Act an executed Reimbursement Agreement between Nevada Power Company and Reliant Energy Arrow Canyon, LLC that sets forth the terms and conditions for the construction of certain interconnection facilities.

Nevada Power Company states that a copy of this filing has been served on Reliant Energy Arrow Canyon, LLC, the Public Utilities Commission of Nevada, and the Nevada Bureau of Consumer Protection.

Comment Date: March 18, 2003.

4. Automated Power Exchange, Inc.

[Docket No. ER03–559–000]

Take notice that on February 26, 2003, Automated Power Exchange, Inc. (APX) tendered for filing pursuant to 18 CFR 385.205, an Application for Order Accepting Rate Schedule, Granting Authorizations and Blanket Authority and Waving Certain Requirements.

Comment Date: March 19, 2003.

5. Devon Power LLC, Middletown PowerLLC; Montville Power LLC; Norwalk Power LLC; and NRG Power Marketing Inc.

[Docket No. ER03–563–000]

Take notice that Devon Power LLC, Middletown Power LLC, Montville Power LLC, Norwalk Power LLC (collectively Applicants) and NRG Power Marketing Inc., on February 26, 2003, tendered for filing Cost of Service Agreements (COS Agreements) among each of the Applicants, NRG Power Marketing Inc., and ISO New England Inc. Applicants request the Commission to establish a shortened notice period, issue an order on an expedited basis, and make the COS Agreements effective February 27, 2003 in order to permit Applicants to proceed with maintenance outage work on the generating facilities that are subject to the COS Agreements. Applicants further request that the Commission waive any and all applicable Commission regulations necessary to grant Applicants' requests.

Applicants state that they have provided a copy of this filing, and has also provided courtesy copies to the affected state regulatory authorities, counsel to the NEPOOL Participants Committee, and the NEPOOL Participants identified in their filing.

Comment Date: March 12, 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, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or for TTY, contact (202) 502–8659. Protests and interventions may be filed electronically via the Internet in lieu of paper; *see* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5703 Filed 3–10–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC03–61–000, et al.]

Black Hills Corporation, et al.; Electric Rate and Corporate Filings

March 3, 2003.

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

1. Black Hills Corporation

[Docket No. EC03–61–000]

Take notice that on February 26, 2003, Black Hills Corporation (Black Hills) filed an application with the Federal Energy Regulatory Commission (Commission), under Section 203 of the Federal Power Act, requesting authorization to implement a plan of corporate restructuring .

Comment Date: March 19, 2003.

2. Cities of Anaheim, Azusa, Banning, Colton, and Riverside, California and City of Vernon, California v. California Independent System Operator Corporation

[Docket No. EL03–54–000]

Take notice that on February 26, 2003, the Cities of Anaheim, Azusa, Banning, Colton, and Riverside, California (Southern Cities) and the City of Vernon, California (Vernon) filed a Petition for Review of Arbitrator's Award, pursuant to Rule 207 of the Commission's Rules of Practice and Procedure, 18 CFR 385.207, and section 13.4 of the California Independent System Operation Corporation's (ISO) Tariff. The petition states that the Southern Cities and Vernon are requesting review of the Arbitrator's ''Findings of Fact and Conclusions of Law'' issued on February 7, 2003, in American Arbitration Association (AAA) Case No. 71 198 00758 00 as well as the original May 1, 2002 award of the arbitrator in that case.

The Southern Cities and Vernon state that their filing has been served upon all parties to the arbitration and the Arbitrator through his designated representative at the AAA.

Comment Date: March 29, 2003.

3. Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange & Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool

[Docket No. ER97–1523–073]

Take notice that on February 26, 2003, the New York Independent System Operator, Inc. (NYISO) supplied information in response to an inquiry from the Federal Energy Regulatory Commission's (Commission) staff to assist the Commission in responding to a remand from the United States Court of Appeals for the District of Columbia Circuit relating to marginal losses.

The NYISO states that copies of this filing have been served on all parties in the above-referenced docket number.

Comment Date: March 19, 2003.

4. Reliant Energy Seward, LLC

[Docket No. ER01–3035–002]

Take notice that on February 27, 2003, Reliant Energy Seward, LLC (Seward) filed a letter requesting an amendment to the effective date of Seward's FERC Electric Tariff in Docket No. ER01–3035–001. Seward requests an effective date of March 1, 2003.

Comment Date: March 20, 2003.

5. The Clark Fork and Blackfoot, L.L.C.

[Docket No. ER02–2569–002]

Take notice that on February 27, 2003, The Clark Fork and Blackfoot, L.L.C. (TCFB) tendered for filing revisions to its application for an order accepting its FERC Electric Tariff Original Volume No. 1, granting certain blanket approvals, including the authority to sell electricity, capacity, and ancillary services at market-based rates, and waiving certain regulations of the Commission.

Comment Date: March 20, 2003.

6. Duke Energy Corporation

[Docket No.ER03–359–001]

Take notice that on February 27, 2003, Duke Energy Corporation, on behalf of Duke Electric Transmission, (collectively, Duke) in compliance with the February 12, 2003 Letter Order issued by the Director, Division of Tariffs and Market Development—South, tendered for filing Duke's First Revised Rate Schedule No. 10–A designated consistent with Order No. 614, Designation of Electric Rate Schedule Sheets, FERC Stats. & Regs. Preambles-31,096.

Comment Date: March 20, 2003.

7. New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation

[Docket No. ER03–560–000]

Take notice that on February 26, 2003, New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation filed with the Federal Energy Regulatory Commission a joint application to amend their codes of conduct.

Comment Date: March 19, 2003.

8. Michigan Electric Transmission Company, LLC

[Docket No. ER03–561–000]

Take notice that on February 26, 2003, Michigan Electric Transmission Company, LLC (METC) submitted a Letter Agreement between the City of Hart and Michigan Electric Transmission Company, LLC (Hart and Letter Agreement), intended to establish the terms and conditions for engineering and related activities to be performed by METC in connection with a possible interconnection to the METC transmission system by Hart.

Comment Date: March 19, 2003.

9. New England Power Pool

[Docket No. ER03–562–000]

Take notice that on February 26, 2003, the New England Power Pool (NEPOOL) submitted the Ninety-Fifth Agreement Amending New England Power Pool Agreement, which updates and corrects the information in Attachments G, G–2 and G–3, and the accompanying Addendum (collectively, Attachment G), of the Restated NEPOOL Open Access Transmission Tariff (the NEPOOL Tariff). Attachment G identifies and describes the characteristics of the grandfathered contractual arrangements referred to as Excepted Transactions. NEPOOL states that the information in Attachment G will be used to allocate Auction Revenue Rights under NEPOOL's Standard Market Design (SMD–NE) currently scheduled to be implemented on March 1, 2003. NEPOOL states further that to facilitate implementation of SMD–NE, NEPOOL is updating Attachment G to assure the accuracy of the information contained therein. A March 1, 2003 effective date is requested for these changes.

NEPOOL states that copies of these materials were sent to the NEPOOL Participants, Non-Participant Transmission Customers and the New England state governors and regulatory commissions.

Comment Date: March 19, 2003.

10. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER03–564–000]

Take notice that on February 27, 2003, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO), tendered for filing revisions to Exhibit A (Network Loads) of the Network Integration Transmission Service Agreement between itself and Wisconsin Public Power Inc. (WPPI). The revisions to the Transmission Service Agreement allows WPPI to consolidate the transmission services of three new municipal members of WPPI with its current membership under the Midwest ISO's Open Access Transmission Tariff, FERC Electric Tariff, Second Revised Volume No. 1. In addition to the revised Exhibit A, the Midwest ISO also submits Notices of Cancellation of the network integration transmission service agreements under which Oconto Falls Water & Light Commission, the Prairie du Sac Water & Light Department, and Stoughton Electric Utility have previously been served.

The Midwest ISO requests a February 1, 2003 effective date and waiver of the Commission's notice requirements in order to allow consolidation of these services to occur as soon as possible. Copies of the filing have been served on WPPI, Oconto Falls Water & Light Commission, Prairie du Sac Water & Light Department, Stoughton Electric Utility, and the Public Service Commission of Wisconsin. In addition, the filing has been electronically posted on the Midwest ISO's Web site at *http://www.midwestiso.org* under the heading ''Filings to FERC'' for other interested parties.

Comment Date: March 20, 2003.

11. Michigan Electric Transmission Company, LLC

[Docket No. ER03–565–000]

Take notice that on February 27, 2003, Michigan Electric Transmission Company, LLC (METC) submitted a Letter Agreement between Lowell Light and Power Company and Michigan Electric Transmission Company, LLC dated January 30, 2003 (Lowell and Letter Agreement), intended to establish the terms and conditions for engineering and construction activities to be performed by METC in connection with a possible interconnection to the METC transmission system by Lowell.

Comment Date: March 20, 2003.

12. Entergy Services, Inc.

[Docket No. ER03–566–000]

Take notice that on February 27, 2003, Entergy Services, Inc., on behalf of Entergy Gulf States, Inc. (Entergy Gulf States), tendered for filing an original and five copies of a Notice of Termination of the Interconnection and Operating Agreement and Generator Imbalance Agreement between Entergy Gulf States and Crown Paper Company d/b/a Crown Vantage.

Comment Date: March 20, 2003.

13. Delmarva Power & Light Company

[Docket No. ER03–567–000]

Take notice that on February 27, 2003, Delmarva Power & Light Company (Delmarva) tendered for filing with the Federal Energy Regulatory Commission (Commission), revised rate schedule sheets (Revised Sheets) in its Second Revised Rate Schedule FERC No. 111 (Rate Schedule) between Delmarva and the Town of Middletown, Delaware (Middletown). The Revised Sheets delete references to a lease agreement between the parties and modify the description of the delivery point in the Rate Schedule.

Delmarva requests that the Commission allow the Revised Sheets to become effective May 1, 2003, or the commercial operations date of Middletown's substation and associated facilities.

Delmarava states that copies of the filing were served upon Middletown and the Delaware Public Service Commission.

Comment Date: March 20, 2003.

14. Phelps Dodge Energy Services, LLC

[Docket No. ER03–568–000]

Take notice that on February 27, 2003, Phelps Dodge Energy Services, LLC filed a request to amend its market-based rate tariff, FERC Electric Rate Schedule No. 1, and its Code of Conduct to permit sales to its affiliates without making a separate filing under Section 205 under the Federal Power Act.

Comment Date: March 20, 2003.

15. Southern Illinois Power Cooperative

[Docket No. NJ03–2–000]

Take notice that on February 26, 2003, Southern Illinois Power Cooperative (SIPC) submitted for filing revised ancillary service pricing and a request for declaratory order which would find the SIPC's revised ancillary service pricing meets the Federal Energy Regulatory Commission's (Commission) comparability standards and is therefore an acceptable reciprocity tariff pursuant to the provisions of Order No. 888.

Comment Date: March 28, 2003.

Standard Paragraph

Any person desiring to intervene or to protest this filing should file with the

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

Magalie R. Salas,

Secretary.

[FR Doc. 03–5702 Filed 3–10–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Transfer of License and Soliciting Comments, Motions To Intervene, and Protests

March 4, 2003.

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

a. *Application Type:* Transfer of License.

b. *Project No.:* 2533–031.

c. *Date Filed:* February 12, 2003.

d. *Applicants:* Potlatch Corporation (Transferor) and Missota Paper Company, LLC (Transferee).

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

f. *Location:* Located on the Mississippi River, in Crow Wing County, Minnesota.

The project does not utilize federal or tribal lands.

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

h. *Applicants Contacts:* Mr. John Tormey, Chadbourne & Parke LLP, 1200 New Hampshire Avenue, NW., Suite 300, Washington, DC 20036, (202) 974–5670 (Transferor); Mr. Stephen C. Palmer, Swidler Berlin Shereff Friedman, LLP, 3000 K Street, NW., Suite 300, Washington, DC 20007, (202) 424–7500 (Transferee)

i. *FERC Contact:* Regina Saizan, (202) 502–8765.

j. *Deadline for filing comments and or motions:* March 18, 2003.

Please file an original and eight copies with: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper; *see* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings. Please include the project number (P–2533–031) on any comments or motions filed.

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

k. *Description of Transfer:* The applicants seek Commission approval to transfer the license for the Brainerd Hydroelectric Project from Potlatch Corporation to Missota Paper Company, LLC. The purpose of the transfer is to allow the mill associated with the project to continue operations and to preserve the associated jobs.

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

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

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

o. Filing and Service of Responsive Documents—-Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Magalie R. Salas,

Secretary.

[FR Doc. 03–5658 Filed 3–10–03; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[OW–2002–0060; FRL–7463–8]

Agency Information Collection Activities; Submission of EPA ICR No. 0234.08 (OMB No. 2080–0021 to OMB for Review and Approval; Comment Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and

approval: Performance Evaluation Studies of Water and Wastewater Laboratories (OMB Control No. 2080–0021, EPA ICR No. 0234.08) The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before April 10, 2003.

ADDRESSES: Follow the detailed instructions in the **SUPPLEMENTARY INFORMATION**

FOR FURTHER INFORMATION CONTACT: Ed Glick, Standards and Risk Management Division, Office of Ground Water and Drinking (Mail Code 140), United States Environmental Protection Agency, USEPA Facilities, West Martin Luther King Drive, Cincinnati, OH 45268; telephone number: (513) 569–7939; fax number: (513) 569–7191; e-mail address: *glick.ed@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On July 8, 2002 (67 FR 45112), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). No comments were received.

EPA has established a public docket for this ICR under Docket ID No. OW–2002–0060, which is available for public viewing at the Water Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Avenue, NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Water Docket is (202) 566–2426. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at *http://www.epa.gov/edocket.* Use EDOCKET to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the docket ID number identified above.

Any comments related to this ICR should be submitted to EPA and OMB within 30 days of this notice, and according to the following detailed instructions: (1) Submit your comments to EPA online using EDOCKET (our preferred method), by e-mail to *OW–Docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mailcode: 4101T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and (2) Mail your comments to OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EDOCKET as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EDOCKET. The entire printed comment, including the copyrighted material, will be available in the public docket. Although identified as an item in the official docket, information claimed as CBI, or whose disclosure is otherwise restricted by statute, is not included in the official public docket, and will not be available for public viewing in EDOCKET. For further information about the electronic docket, see EPA's **Federal Register** notice describing the electronic docket at 67 FR 38102 (May 31, 2002), or go to *http://www.epa.gov/edocket.*

Title: Performance Evaluation Studies of Water and Wastewater (OMB Control No. 2080–0021, EPA ICR Number 0234.08). This is a request to renew an existing approved collection that is scheduled to expire on February 28, 2003. Under the OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB.

Abstract: Performance Evaluation (PE) studies provide an objective demonstration that participating laboratories are capable of producing valid data for monitored pollutants. Participation in the Water Pollution (WP) studies that relate to wastewater analyses and Water Supply (WS) studies that relate to drinking water analyses are only mandated by the USEPA for those laboratories that receive federal funds to perform these analyses. However, states that certify laboratories for drinking water and wastewater analyses also often require successful participation in these studies for certification. Participation in the Discharge Monitoring Report-Quality Assurance (DMR–QA) studies is mandatory for those designated wastewater dischargers who are conducting self-monitoring analyses required under a National Pollutant Discharge Elimination System (NPDES) permit. EPA initiated these studies and originally administered them as part of the Agency's mandate to assure the quality of environmental monitoring data. Subsequently, all of these studies have been privatized. Private sector companies manufacture and distribute samples to the participating laboratories who then will submit their analytical results to these PE vendors for evaluation. The PE vendors then send evaluations of the submitted data to the laboratory and any other designated certifying/accrediting authority.

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

Burden Statement: The annual public reporting and record keeping burden for this collection of information is estimated to average 9.7 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Laboratories and PE Vendors.

Estimated Number of Respondents: 17,168.

Frequency of Response: Annually.

Estimated Total Annual Hour Burden: 167,348 hours.

Estimated Total Annual Cost: $8,252,000, which includes $0 annualized capital/startup costs and $2,921,000 annual O&M costs.

Changes in the Estimates: (1) Agency burden has been completely transferred to private sector. PE venders. (2) The PE Studies WSM and DMRQA TOX are no longer considered a part of this information collection, reducing the number of respondents and their corresponding burdens. (3) Participation in the DMR–QA PE study has decreased from an estimated average of 7000 to 6489 since the last renewal of this ICR, while the estimated average number of analytes measured in this study increased from 9 to 14. (4) Participation in the WP PE study has increased from an estimated average of 5800 to 6470, and the average number of analytes decreased from 27 to 25. (5) The average number of analytes per participant in the WS PE study increased from 30 to 33. (6) The average cost per analyte charged by the PE venders was updated since the previous renewal of this ICR.

Dated: February 26, 2003.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 03–5745 Filed 3–10–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OECA–2003–0002; FRL–7463–9]

Agency Information Collection Activities; Submission of EPA ICR No. 1891.03 (OMB No. 2060–0428) to OMB for Review and Approval; Comment Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: NESHAP for Publicly Owned Treatment Works (POTW) Facilities (40 CFR part 63, subpart VVV). (OMB Control No. 2060–0428, EPA ICR No. 1891.03) The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before April 10, 2003.

ADDRESSES: Follow the detailed instructions in the **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: On the rule and technical questions: Bob Lucas, Emission Standards Division, Office of Air Quality Planning and Standards, Mail Code MD–13, (919) 541–0884, email address: *lucas.bob@epa.gov.* For questions about this ICR contact Walter Brodtman, Office of Enforcement and Compliance Assurance, Mail Code 2224A U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202 564–4181; fax number: 202 564–0009; email address: *brodtman.walter@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On June 20, 2002, EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments.

EPA has established a public docket for this ICR under Docket ID No. 2003–0002, which is available for public viewing at the Enforcement and Compliance Docket Information Center (ECDIC) in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the ECDIC Docket is (202) 566–1752. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at *http://www.epa.gov/edocket.* Use EDOCKET to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the docket ID number identified above.

Any comments related to this ICR should be submitted to EPA and OMB within 30 days of this notice, and according to the following detailed instructions: (1) Submit your comments to EPA online using EDOCKET (our preferred method), by e-mail to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail code: 2201T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) Mail your comments to OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EDOCKET as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EDOCKET. The entire printed comment, including the copyrighted material, will be available in the public docket. Although identified as an item in the official docket, information claimed as CBI, or whose disclosure is otherwise restricted by statute, is not included in the official public docket, and will not be available for public viewing in EDOCKET. For further information about the electronic docket, see EPA's **Federal Register** notice describing the electronic docket at 67 FR 38102 (May 31, 2002), or go to *www.epa.gov/edocket.*

Title: NESHAP for Publicly Owned Treatment Works (POTW) Facilities (40 CFR part 63, subpart VVV). (OMB Control No. 2060–0428, EPA ICR Number 1891.03). This is a request to renew an existing approved collection that is scheduled to expire on February 28, 2003. Under the OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB.

Abstract: This ICR is prepared for a U.S. Environmental Protection Agency (EPA) rulemaking developed under authority of section 112 of the Clean Air Act (CAA). The rulemaking amends title 40, chapter I, part 63 of the Code of Federal Regulations (CFR) by adding a new subpart VVV—National Emission Standards for Hazardous Air Pollutants from Publicly Owned Treatment Works (POTW) Facilities. Hereafter, this subpart is referred to as the ''POTW NESHAP''. The POTW NESHAP includes standards for major sources of hazardous air pollutants (HAP). Respondents are owners or operators of waste water treatment processes and operations in the POTW source category.

All new sources must be in compliance with the POTW NESHAP upon startup or the promulgation date, whichever is later. Owners and operators of affected sources are subject to the requirements of 40 CFR part 63, subpart A, the General Provisions, unless the regulation specifies otherwise.

For sources constructed or reconstructed after the effective date of the relevant standard, the POTW NESHAP requires that the source submit an application for approval of construction or reconstruction. The application is required to contain information on the air pollution control that will be used for each potential HAP emission point.

The information in the initial notification and the application for construction or reconstruction will enable enforcement personnel to identify the number of sources subject to the standards and to identify those sources that are already in compliance.

Generally, respondents are required to submit one-time reports of (1) start of construction for new facilities and (2) anticipated and actual start-up dates for new facilities. All records are to be maintained by the source for a period of at least 5 years.

The POTW NESHAP also requires affected sources to submit a notification of compliance status. This notification must be signed by a responsible company official who certifies its accuracy and certifies that the source has complied with the standards. The notification of compliance status must be submitted within 180 days after the compliance date for the affected source.

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

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 36 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Publicly Owned Treatment Works (POTW) Facilities.

Estimated Number of Respondents: 6.

Frequency of Response: Annually.

Estimated Total Annual Hour Burden: 216 hours.

Estimated Total Annual Cost: $12,200.

Changes in the Estimates: There is an increase of 175 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This increase is because of additional respondents, which increased from one to six. Some reductions in burden also occurred because responses are now on an operating year rather than initial year basis.

Dated: February 27, 2003.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 03–5746 Filed 3–10–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[RCRA–2002–0030, FRL–7464–1]

Agency Information Collection Activities; Submission of EPA ICR No. 1773.06 (OMB No. 2050–0171) to OMB for Review and Approval; Comment Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: NESHAP for Hazardous Waste Combustors (40 CFR part 63, subpart EEE)—(Renewal), (OMB Control No. 2050–0171, EPA ICR No. 1773.06). The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before April 10, 2003.

ADDRESSES: Follow the detailed instructions in the **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: For general information, call the RCRA Call Center (800) 424–0346. For specific information regarding this notice, call Shiva Garg, Hazardous Waste Minimization and Management Division, Office of Solid Waste, Mail Code 5302W, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8459; fax number: (703) 308–8433; e-mail address: *garg.shiva@epa.gov*.

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On October 30, 2002 (67 FR 66144), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments.

EPA has established a public docket for this ICR under Docket ID No. RCRA–2002–0030, which is available for public viewing at the RCRA Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1742, and the telephone number for the RCRA Docket is (202) 566–0270. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at *http://www.epa.gov/edocket*. Use EDOCKET to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the docket ID number identified above.

Any comments related to this ICR should be submitted to EPA and OMB within 30 days of this notice, and according to the following detailed instructions: (1) Submit your comments to EPA online using EDOCKET (our preferred method), by e-mail to *rcra-docket@epa.gov*, or by mail to: EPA Docket Center, Environmental Protection Agency, Mailcode: 5305T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) Mail your comments to OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EDOCKET as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EDOCKET. The entire printed comment, including the copyrighted material, will be available in the public docket. Although identified as an item in the official docket, information claimed as CBI, or whose disclosure is otherwise restricted by statute, is not included in the official public docket, and will not be available for public viewing in EDOCKET. For further information about the electronic docket, *see* EPA's **Federal Register** notice describing the electronic docket at 67 FR 38102 (May 31, 2002), or go to *http://www.epa.gov/edocket*.

Title: NESHAP for Hazardous Waste Combustors (40 CFR part 63, subpart EEE)—(Renewal), (OMB Control No. 2050–0171, EPA ICR Number 1773.06).

This is a request to renew an existing approved collection that is scheduled to expire on October 31, 2004. Under the OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB.

Abstract: EPA regulates the burning of hazardous waste by several source categories of hazardous waste combustors under 40 CFR part 63, parts 264 and 265 (subpart O), and part 266 (subpart H). On September 30, 1999, EPA promulgated (64 FR 52828) standards to control emissions of hazardous air pollutants from incinerators, cement kilns and lightweight aggregate kilns that burn hazardous wastes under 40 CFR part 63. The ICR #1773.02 pertaining to the provisions of this rule was approved under OMB Control # 2050–0171.

A number of parties, representing interests of both industrial sources and of the environmental community, sought judicial review of the September 30, 1999 rule. On July 24, 2001, the United States Court of Appeals for the District of Columbia Circuit (the Court) granted the Sierra Club's petition for review and vacated the challenged portions of the rule. However, the Court invited us and the parties to the proceeding to file a motion to delay issuance of its mandate to request either that the current standards remain in place or that EPA be allowed reasonable time to develop interim standards. EPA and the parties to the proceeding agreed to take several actions, and the Court concurred on them. First, we agreed to issue a one-year extension to the compliance date of September 30, 2002 promulgated in the September 30, 1999 rule. On December 6, 2001 (66 FR 63313), we published a final rule which extended the compliance date to September 30, 2003. Second, we committed to publish an interim rule with revised emission standards and to finalize several compliance and implementation amendments to the rule. These interim standards and compliance and implementation amendments were promulgated on February 13 and 14, 2002 (67 FR 6792 and 67 FR 6968). The interim standards replace the vacated standards, until we finalize final replacement standards that comply with the Court's mandate. Finally, we agreed to issue the final replacement standards by June 14, 2005. EPA also issued four technical correction notices to the rule since the last ICR was approved. They were published at 65 FR 42292 (July 10, 2000), 65 FR 67268 (November 9, 2000), 66 FR 24270 (May 14, 2001) and 67 FR 77687 (December 19, 2002). This ICR revision takes into account the changes to the paperwork burden related to all the above stated changes to the September 30, 1999 rule to-date, as well as to the changes in the hazardous waste combustor universe since the last ICR approval.

During the settlement negotiations, we have had several meetings with all the parties affected by the rule. We collected new information about the operations of the Hazardous Waste Combustors (HWCs) through these meetings. We also obtained newer test burn and trial burn reports from the EPA Regions and the States, which updated our earlier information on the regulated community. We then published a **Federal Register** notice of data availability (NODA) for these sources at 67 FR 44452 (July 2, 2002) inviting public comments on our updated database. In response, we received over 55 comments, many of which included detailed information about the operation of the HWCs and supplementary test reports. These comments are available for public viewing under Docket # RCRA–2002–0019 and were used in the preparation of this renewal ICR.

The information collection required under this ICR is mandatory for the regulated sources, as it is essential to properly enforce the emission limitation requirements of the rule and will be used to further the proper performance of the functions of EPA. EPA 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.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 1,271 hours per respondent per year. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Hazardous waste incinerators, and hazardous waste burning cement and lightweight aggregate kilns.

Estimated Number of Respondents: 119.

Frequency of Response: On occasion.

Estimated Total Annual Hour Burden: 151,339 hours.

Estimated Total Annualized Capital, Operating/Maintenance Cost Burden: $3,925,726.

Changes in the Estimates: There is an increase of 80,264 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This increase is because the rule will become effective on September 30, 2003, and the regulated facilities have to upgrade their pollution control devices, install monitoring equipment, and conduct monitoring and recordkeeping activities to ensure compliance by the effective date, and subsequently thereafter.

Dated: February 26, 2003.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 03–5747 Filed 3–10–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7463–5]

Notice of Approval of Extension of Prevention of Significant Air Quality Deterioration (PSD) and New Source Review (NSR) Permit to Muht\Hei, Inc. (NSR 4–4–10, SD 92–02)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Notice is hereby given that on January 14, 2003 the Environmental Protection Agency issued an extension of the prevention of significant deterioration/new source review (PSD/NSR) permit to the applicant named above. EPA's Extension of the PSD/NSR permit grants approval to Muht-Hei, Inc. to construct and operate a solid waste landfill on the tribal lands of the Campo Band of Mission Indians if construction is begun within 18 months.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; please address the request to: Emmanuelle Rapicavoli (AIR–3), U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105, (415) 972—3969.

ENVIRONMENTAL APPEALS BOARD (EAB) APPEAL: An appeal to the Administrator was sent by Mrs. Lory Rimoldi to the EAB for review of this permit. On January 14, 2003 the EAB dismissed Mrs. Rimolldi's petition for review. The EAB denied the petition for review because (1) Mrs. Rimoldi failed to indicate why Region IX's response to her concerns was erroneous or otherwise warranted review, (2) the speculative concerns regarding the general enforcement of a validly issued permit raised in her petition are outside the scope of the Board's review authority, and (3) the petition did not contain sufficient specificity as to why Region IX's decision was erroneous. The final extension became effective on January 14, 2003 and will expire 18 months from that date on July 13, 2004.

DATES: The issuance of a PSD/NSR permit is reviewable under Section 307(b)(1) of the Clean Air Act and 40 CFR 124.19(f)(1) in the Ninth Circuit Court of Appeals. A petition for review must be filed by May 12, 2003.

Dated: February 26, 2003.

Andrew Steckel,

Director, Air Division, Region 9.

[FR Doc. 03–5710 Filed 3–10–03; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2003–0087; FRL–7297–2]

Agricultural Worker Protection Program; Notice of Public Workshop

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA's Office of Pesticide Programs (OPP) will hold a public workshop on the Agricultural Worker Protection Program on March 19, 20, and 21, 2003. The agenda for this workshop is in development and will be posted by March 10, 2003, on EPA's web site. On March 19, the agenda will be devoted to the National Program Assessment of the Agricultural Worker Protection Program, and will include discussions about training, hazard communications, enforcement, and recommendations for the National Worker Protection Program. On March 20 and 21, the agenda will cover various topics including: Benefits assessment process, risk mitigation process, engineering controls and equipment for worker protection, field implementation issues, safety training, and occupational health research.

DATES: The workshop will be held on Wednesday, March 19, 2003, from 9 a.m. to 4:30 p.m.; on Thursday, March 20, 2003, from 8:30 a.m. to 5 p.m.; and Friday, March 21, 2003, from 8:30 a.m. to 3 p.m.

ADDRESSES: The workshop will be held at the Marriot Crystal Gateway (Salons V and VI), 1700 Jefferson Davis Hwy., Arlington, VA (703) 920–3230.

FOR FURTHER INFORMATION CONTACT: Margie Fehrenbach, Office of Pesticide Programs (7501C), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–4775; fax number: (703) 308–4776; e-mail address: *fehrenbach.margie@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general; however, persons may be interested who work in agricultural settings or persons who are concerned about implementation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); the Federal Food, Drug, and Cosmetic Act (FFDCA); and the amendments to both of these major pesticide laws by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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

1. *Docket*. EPA has established an official public docket for this action under docket identification (ID) number OPP–2003–0087. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

2. *Electronic access*. You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*. The agenda for this workshop is in development and will be posted by March 10, 2003, on EPA's web site at *http://www.epa.gov/pesticides/*.

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

II. Background

Stakeholders from two of EPA's Federal advisory committees, the Pesticide Program Dialogue Committee (PPDC) and the Committee to Advise on Reassessment and Transition (CARAT), have expressed interest in better understanding the process followed by OPP when developing agricultural worker risk assessments and the overall Agricultural Worker Protection Program. EPA planned two workshops to address these issues. The first was held in October 2002 and focused on the worker risk assessment process for agricultural handlers and post applicators. The second workshop will focus the first day on the National Program Assessment of the Agricultural Worker Protection Program, and will include discussions about training, hazard communication, enforcement and recommendations for the National Worker Protection Program. The agenda for the second and third day will cover various topics including: Benefits assessment process, risk mitigation process, engineering controls and equipment for worker protection, field implementation issues, safety training and occupational health research. The public is invited to this workshop. Participation from the two Federal advisory committees is also invited, representing the following sectors: Pesticide user, grower, and commodity groups; industry and trade associations; environmental/public interest and farmworker groups; Federal, State, and Tribal governments; public health organizations; animal welfare; and academia.

III. How Can I Participate in this Workshop?

An opportunity will be provided for questions and comments by the public. Any person who wishes to submit a written statement may do so at the workshop. All public comments will become part of the public record and will be available for public inspection.

List of Subjects

Environmental protection, Agriculture, Agricultural workers, Chemicals, Foods, Pesticides and pests.

Dated: March 5, 2003.

Marcia E. Mulkey,

Director, Office of Pesticide Programs.

[FR Doc. 03–5906 Filed 3–10–03; 2:01 pm]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7463–6]

Notice of Proposed Administrative Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

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 settlement concerning the Louisiana Oil Recycle & Reuse, Baton Rouge, Louisiana, with the parties referenced in the Supplementary Information portion of this Notice.

The settlement requires the settling major parties to pay a total of $163,974.14 as payment of past response costs to the Hazardous Substances Superfund. The settlement includes a covenant not to sue pursuant to sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at 1445 Ross Avenue, Dallas, Texas 75202–2733.

DATES: Comments must be submitted on or before April 10, 2003.

ADDRESSES: The proposed settlement and additional background information relating to the settlement are available for public inspection at 1445 Ross Avenue, Dallas, Texas 75202–2733. A copy of the proposed settlement may be obtained from Janice Bivens, 1445 Ross Avenue, Dallas, Texas 75202–2733 at (214) 665–6717. Comments should reference Louisiana Oil Recycle & Reuse Superfund Site, Baton Rouge, Louisiana, EPA Docket Number 06–03–02 and should be addressed to Janice Bivens at the address listed above.

FOR FURTHER INFORMATION CONTACT: Amy McGee, 1445 Ross Avenue, Dallas, Texas 75202–2733 at (214) 665–8063.

Dated: March 3, 2003.

Samuel Coleman,

Acting Regional Administrator, Region 4. Deputy

Appendix A—List of Settling Parties

1. International Paper Company
2. Gulf States Marine (Boasso International)
3. West Lake Polymers
4. Mississippi Marine Corporation f/n/a Greenville Johnny of Louisiana, Inc.
5. T&T Barge Cleaning, Inc.
6. Castrol, Inc.
7. Sabine Manufacturing
8. United States Defense Logistics Agency/ Defense Reutilization and Marketing Service

[FR Doc. 03–5749 Filed 3–10–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7463–4]

Notice of Proposed Administrative Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

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 settlement concerning the Louisiana Oil Recycle & Reuse, Baton Rouge, Louisiana, with the parties referenced in the SUPPLEMENTARY INFORMATION portion of this notice.

The settlement requires the settling party to pay a total of $45,525.86 as payment of past response costs to the Hazardous Substances Superfund. The settlement includes a covenant not to sue pursuant to sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at 1445 Ross Avenue, Dallas, Texas 75202–2733.

DATES: Comments must be submitted on or before April 10, 2003.

ADDRESSES: The proposed settlement and additional background information relating to the settlement are available for public inspection at 1445 Ross Avenue, Dallas, Texas 75202–2733. A copy of the proposed settlement may be obtained from Janice Bivens, 1445 Ross Avenue, Dallas, Texas 75202–2733 at (214) 665–6717. Comments should reference Louisiana Oil Recycle & Reuse Superfund Site, Baton Rouge, Louisiana, EPA Docket Number 06–03–02 and should be addressed to Janice Bivens at the address listed above.

FOR FURTHER INFORMATION CONTACT: Amy McGee, 1445 Ross Avenue, Dallas, Texas 75202–2733 at (214) 665–8063.

Dated: February 27, 2003.

Lawrence E. Starfield,

Acting Regional Administrator, Region 4.

Appendix A—List of Settling Parties

1. Evans Cooperage Co., Inc. k/n/a Evans Harvey Corp., L.L.C.

[FR Doc. 03–5750 Filed 3–10–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7463–3]

Public Water System Supervision Program Revision for the State of Mississippi

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of tentative approval.

SUMMARY: Notice is hereby given that the State of Mississippi is revising its approved Public Water System Supervision Program. Mississippi has adopted drinking water regulations for

Interim Enhanced Surface Water Treatment Rule, Disinfectant/Disinfection Byproducts Rule and Public Notification Rule. EPA has determined that these revisions are no less stringent than the corresponding federal regulations. Therefore, EPA intends on approving this State program revision.

All interested parties may request a public hearing. A request for a public hearing must be submitted by April 10, 2003 to the Regional Administrator at the address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made by April 10, 2003, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become final and effective on April 10, 2003. Any request for a public hearing shall include the following information: (1) The name, address, and telephone number of the individual organization, or other entity requesting a hearing; (2) a brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement of the information that the requesting person intends to submit at such hearing, and (3) the signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

Mississippi State Department of Health, Office of Environmental Health, Division of Water Supply, 570 E. Woodrow Wilson Blvd., Underwood Building, Suite 232, Jackson, Mississippi 39215–1700 or at the Environmental Protection Agency, Region 4, Drinking Water Section, 61 Forsyth Street SW, Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Shaun McMullen, EPA Region 4, Drinking Water Section at the Atlanta address given above or at telephone (404) 562–9294

Authority: (Section 1420 of the Safe Drinking Water Act, as amended (1996), and 40 CFR part 142 of the National Primary Drinking Water Regulations)

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 03–5709 Filed 3–10–03; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 94–157, CC Docket No. 94–65, CC Docket No. 93–193, DA 03–488]

Stale or Moot Docketed Proceedings; Bell Atlantic Telephone Companies Tariff F.C.C. No. 1, Transmittal No. 690 and NYNEX Telephone Companies Tariff F.C.C No. 1, Transmittal No. 328; 1994 Annual Access Tariff Filings; 1993 Annual Access Tariff Filings Phase I; AT&T Communications Tariff F.C.C. Nos. 1 and 2, Transmittal Nos. 5460, 5461, 5462, and 5464 Phase II

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: By this document, the Federal Communications Commission's Wireline Competition Bureau reinstates CC Docket No. 94–157 to address two outstanding ''other postretirement employee benefits'' (OPEB) related issues. Interested parties should inform the Bureau of any other OPEB-related issue that remains open. If no timely comments are received in response to this document, the Bureau will terminate its OPEB investigation in CC Docket No. 94–65, and CC Docket No. 93–193 without further action. Finally, the Bureau directs Verizon Communications to submit its direct case to demonstrate that OPEB related costs incurred prior to January 1, 1993 are eligible for exogenous treatment.

DATES: Comments are due on or before April 8, 2003; Reply comments are due on or before April 22, 2003.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. *See* Supplementary Information for filing instructions.

FOR FURTHER INFORMATION CONTACT: Josh Swift, Pricing Policy Division, Wireline Competition Bureau, FCC (202) 418–2019.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order, Notice, and Erratum; CC Docket Nos. 93–193 and 94–157; adopted and released February 25, 2003. In December 1990, the Financial Accounting Standards Board (FASB) adopted SFAS–106. For companies that follow generally accepted accounting principles, SFAS–106 established new financial accounting and reporting requirements for accounting periods beginning after December 15, 1992, for any employer offering postretirement benefits other than pensions to its employees. This category of benefits, OPEBs, typically consists of health and dental care benefits and life insurance.

On May 4, 1992, the Bureau released Responsible Accounting Officer Letter No. 20 (RAO 20) (7 FCC Rcd 2872) to provide carriers with accounting and ratemaking instructions for OPEBs in a manner consistent with SFAS–106. RAO 20 directed the LECs to exclude accrued OPEB liabilities recorded in USOA Account 4310 from their interstate rate base and to include prepaid OPEB benefits recorded in USOA Account 1410 in their interstate rate base.

After the Bureau required AT&T and the LECs to conform their regulatory accounting practices to SFAS–106, several LECs subject to price cap regulation filed tariff transmittals in 1992 that sought exogenous treatment for the change in OPEB costs. The Bureau suspended the 1992 transmittals for five months and set them for investigation. (*See* 7 FCC Rcd 2724 (1992)) The Bureau made all price cap regulated LECs subject to this investigation. On January 22, 1993, in its *OPEB Order* (8 FCC Rcd 1024 (1993)), the Commission terminated the investigation and denied the LECs' requests for exogenous treatment of OPEBs.

On July 12, 1994, the U.S. Court of Appeals for District of Columbia Circuit reversed and remanded the *OPEB Order,* concluding that changes in LEC OPEB costs caused by the implementation of SFAS–106 were eligible for exogenous treatment under the Commission's then existing rules. (*See Southwestern Bell Telephone Company* v. *FCC,* 28 F.3d 165 (D.C. Cir. 1994)). Because the carriers had withdrawn the tariffs that were the subject of the *OPEB Order,* and no tariffs remained pending in the remanded CC Docket No. 92–101, the Commission vacated the *OPEB Order* and terminated the CC Docket No. 92–101 proceeding. (*See* 10 FCC Rcd 11821 (1995)). The SFAS–106 created two categories of OPEB expenses, ''ongoing amounts'' and the ''transitional benefit obligation'' (TBO). The ''ongoing amount'' represents the yearly expense that a firm recognizes as its current employees earn benefits that will be paid after they retire. SFAS–106 also requires companies to recognize on their financial records the amount of their unfunded obligation for OPEBs to retirees and to active employees existing as of the date of their implementation of SFAS–106. This unfunded obligation, referred to as the TBO, reflects the amount that a company would have accrued on its books as of the effective date of the accounting change if it had been operating under the accrual method.

In the 1993 annual access tariff filings, several LECs included adjustments to their price cap indices and rates based on exogenous treatment of certain TBO amounts. Effective July 1, 1993, AT&T also revised its price cap indices to reflect the LECs' proposed changes in access prices and to include adjustments for exogenous treatment of its own TBO amounts. The Commission suspended both the LECs' and AT&T's transmittals for one day and imposed an accounting order. In addition, in 1994, the Bell Atlantic Telephone Companies and NYNEX Telephone Companies filed tariff revisions that sought exogenous treatment of SFAS–106 amounts that they had not previously claimed. (*See* 10 FCC Rcd 1594 (1994)). The Bureau suspended these tariffs for one day, imposed an accounting order, and initiated an investigation. On June 30, 1995, the Bureau consolidated these pending investigations of exogenous claims (in CC Docket No. 93–193 and CC Docket No. 94–157) into a single proceeding, designating CC Docket No. 94–157 as the docket number for this investigation. (*See Combined OPEB Investigations Order,* 10 FCC Rcd 11804 (1995)).

On March 7, 1996, the Commission rescinded the portion of RAO 20 that addressed the rate base treatment of OPEB related costs. (*See RAO Rescission Order,* 11 FCC Rcd 2957 (1996)) The Commission found that RAO 20 exceeded the Bureau's delegated authority under 47 CFR 32.17 to the extent that it directed exclusions from, and additions to, a LEC's interstate rate base that are not specifically authorized by Part 65 of the Commission's rules. The Commission specifically emphasized that its decision to order such rescission was based on procedural grounds and not on the substantive merits of the ratemaking practices at issue. In response to the *RAO Rescission Order,* the LECs proposed to increase their price cap indices (PCIs) for the 1996–1997 tariff period by adjusting their rate base treatment of OPEBs for certain prior years, resulting in reduced sharing obligations for those periods. (*See* 11 FCC Rcd at 7568) Thus, in filing their 1996 annual access tariffs, Ameritech, Bell Atlantic, BellSouth, Nevada Bell, Pacific Bell, Southwestern Bell, U S West, Lincoln Telephone, GTE, and Sprint LTCs amended their Price Cap Regulation Rate of Return Monitoring Report (FCC Form 492A) to include accrued OPEB costs in their interstate rate bases. The inclusion of accrued OPEB costs increased the LECs' interstate rate bases, thereby lowering the reported rates of return and decreasing their calculated price cap sharing obligations. Reduced sharing obligations resulted in higher PCIs. In a June 24, 1996 order, the Bureau found that ''the LECs'' rate base treatment of OPEBs raises a substantial question of lawfulness under existing rules that warrants investigation. (*See 1996 Tariff Order,* 11 FCC Rcd 7573). Accordingly, the Bureau suspended the LEC tariffs, imposed an accounting order, and initiated an investigation.

After a period of inactivity in CC Docket No. 94–157, on December 21, 2001, the Commission adopted an order that terminated stale or moot docketed proceedings, including the combined OPEB investigation in CC Docket No. 94–157. (*See Termination Order,* 67 FR 3617, Jan. 25, 2002). The Bureau finds that at least one issue, issue B in the *Combined OPEB Investigations Order* (*i.e.,* whether LECs may treat as exogenous the SFAS–106 costs they incurred prior to January 1, 1993, the Commission's date for mandatory compliance) remains in dispute. The issues regarding rate base treatment of OPEBs discussed in the *1996 Tariff Order* also remain unresolved. Because these issues remain unresolved, the Bureau concludes that the inclusion of CC Docket 94–157 in the appendix of the *Termination Order* was an inadvertent technical error, and the Commission never intended to terminate the OPEB tariff investigation in this docket. Accordingly, the Bureau reinstates the investigation in CC Docket No. 94–157 to address the issue B in the *Combined OPEB Investigations Order,* as well as OPEB-related issues discussed in the *1996 Tariff Order.* Because the record may be stale, the Bureau seeks to refresh the record. Considering that some of the parties subject to this investigation have merged, the Bureau notes that the old record may not accurately reflect the successor parties' current positions. In addition, the Bureau wants to give interested parties the opportunity to provide new evidence, as appropriate, in light of the time that has passed. Accordingly, parties should state in full their arguments on these issues, rather than merely incorporating by reference arguments stated in their earlier filings in this once terminated docket. Parties should also identify clearly the portions of their previous filings that are no longer relevant, as well as those that remain relevant, and why.

With respect to issue B, the Bureau directs Verizon Communications to submit its direct case and studies upon which it relies to demonstrate that OPEB-related costs incurred prior to January 1, 1993 are eligible for exogenous treatment. Verizon should state in full its arguments, rather than merely incorporating by reference arguments stated in Bell Atlantic's earlier filings. Parties should also identify clearly the portions of their previous filings that are no longer relevant, as well as those that remain relevant, and why.

With respect to issues regarding rate base treatment of OPEBs discussed in the *1996 Tariff Order,* interested parties may file comments in response to this Order, Notice, and Erratum to refresh the record. Parties should also identify clearly the portions of their previous filings that are no longer relevant, as well as those that remain relevant, and why. The Bureau notes that the specific issues that will be the subject of the investigation will be identified in a future designation order. The Bureau may also identify issues in that order that do not warrant further investigation.

Finally, with respect to other OPEB issues under investigation in CC Docket No. 94–157, CC Docket No. 94–65, and CC Docket No. 93–193, the Bureau requests that parties with interest in such issues (whether or not described above) inform the Bureau of any issue that remains open. If no timely comments are received in response to this order, the OPEB investigation in CC Docket No. 94–65 and CC Docket No. 93–193 will be terminated without further action. Additionally, absent timely comments in response to this order, any further action in Docket No. 94–157 will be limited to the two specific issues: (1) The issue B in the *Combined OPEB Investigations Order* (10 FCC Rcd 11804 (1995)) (whether LECs may treat as exogenous the SFAS–106 costs they incurred prior to January 1, 1993); (2) the issues regarding rate base treatment of OPEBs discussed in the *1996 Tariff Order* (11 FCC Rcd 7564 (1996)). Finally the Bureau seeks to refresh the record on issues regarding rate base treatment of OPEBs discussed in the *1996 Tariff Order.*

Filing Dates

This Order, Notice, and Erratum combines all OPEB investigations into one investigation and this investigation is designated CC Docket No. 94–157.

Verizon shall file its direct case on issue B, designated in the *Combined OPEB Investigations Order* by April 11, 2003. Pleadings responding to the direct case must be captioned ''Opposition to Direct Case'' or ''Comments on Direct Case'' and may be filed by May 12, 2003. Verizon may file a ''rebuttal'' to oppositions by May 27, 2003.

Interested parties may file comments on other OPEB issues including issues regarding rate base treatment of OPEBs discussed in the *1996 Tariff Order,* no later than April 8, 2003. Reply comments are due no later than April 22, 2003.

Additional Filing Information

An original and four copies of all pleadings shall be filed with the Secretary of the Federal Communications Commission. In addition, parties shall serve with three copies: Pricing Policy Division, Wireline Competition Bureau, 445 12th Street, SW., Room 5A–333, Washington, DC 20554. Parties shall also serve with one copy: Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, (202) 863–2893. Members of the general public who wish to express their views in an informal manner regarding the issues in this Order, Notice, and Erratum may do so by submitting one copy of their comments to the Office of the Secretary, FCC, 445 12th Street, SW., Room TW–A325, Washington, DC 20554. Such comments should specify the docket number of this proceeding, CC Docket No. 94–157. Parties are also strongly encouraged to submit their pleadings via the Internet through the Electronic Comment Filing System at <*http://www.fcc.gov/e-file/ecfs.html*>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket number, which in this instance is CC Docket No. 94–157. Parties may also submit an electronic comment via Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to <*ecfs@fcc.gov*>, and should include the following words in the body of the message: ''get form <your e-mail address>.'' A sample form and directions will be sent in reply.

Interested parties who wish to file comments via hand-delivery are also notified that, the FCC will only receive such deliveries weekdays from 8 a.m. to 7 p.m., via its contractor, Vistronix, Inc., located at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The FCC no longer accepts these filings at 9300 East Hampton Drive, Capitol Heights, MD 20743. Please note that all hand deliveries must be held together with rubber bands or fasteners, and envelopes must be disposed of before entering the building. In addition, this is a reminder that the FCC no longer accepts hand-delivered or messenger-delivered filings at its headquarters at 445 12th Street, SW., Washington, DC 20554. Messenger-delivered documents (*e.g.*, FedEx), including documents sent by overnight mail (other than United States Postal Service (USPS) Express and Priority Mail), must be addressed to 9300 East Hampton Drive, Capitol Heights, MD 20743. This location is open weekdays from 8 a.m. to 5:30 p.m. USPS First-Class, Express, and Priority Mail should be addressed to the Commission's headquarters at 445 12th Street, SW., Washington, DC 20554.

Federal Communications Commission.

William F. Maher, Jr.,

Chief, Wireline Competition Bureau.

[FR Doc. 03–5651 Filed 3–10–03; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2597]

Petition for Reconsideration of Action in Rulemaking Proceeding

March 5, 2003.

Petition for Reconsideration has been filed in the Commission's rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of this document is available for viewing and copying in Room CY–A257, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, Qualex International (202) 863–2893. Oppositions to this petition must be filed by March 26, 2003. *See* § 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)91)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of the FM Table of Allotments (Madisonville, and College Station, Texas) (MM Docket No. 99–331, RM–9848).

Number of Petitions Filed: 1.

Marlene H. Dortch,

Secretary.

[FR Doc. 03–5652 Filed 3–10–03; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting; Sunshine Act

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 10 a.m. on Tuesday, March 11, 2003, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii) and (c)(9)(B) of Title 5, United States Code, to consider matters relating to the Corporation's resolution, enforcement, and corporate activities.

The meeting will be held in the Board Room on the Sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at (202) 898–3742.

Federal Deposit Insurance Corporation.

Dated: March 7, 2003.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 03–5874 Filed 3–7–03; 8:45 am]

BILLING CODE 6714–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 12 p.m., Monday, March 17, 2003.

PLACEL: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, NW, Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

FOR FURTHER INFORMATION CONATCT: Michelle A. Smith, Assistant to the Board; 202–452–2955.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at *http://www.federalreserve.gov* for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: March 7, 2003.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 03–5953 Filed 3–7–03; 3:20 pm]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

Office of Management Services

Cancellation of an Optional Form by the U.S. Office of Personnel Management

AGENCY: Office of Management Services, GSA.

ACTION: Notice.

SUMMARY: The U.S. Office of Personnel Management cancelled the following Optional Form because of low usage:

OF 299, Request by Employee for Action on Allotment of Pay

DATES: Effective March 11, 2003.

FOR FURTHER INFORMATION CONTACT: Ms. Mary Beth Smith-Toomey, U.S. Office of Personnel Management, (202) 606–8358.

Dated: February 28, 2003.

Barbara M. Williams,

Deputy Standard and Optional Forms Management Officer, General Services Administration.

[FR Doc. 03–5667 Filed 3–10–03; 8:45 am]

BILLING CODE 6820–34–M

GENERAL SERVICES ADMINISTRATION

Interagency Committee for Medical Records (ICMR); Cancellation of Medical Standard Forms

AGENCY: General Services Administration.

ACTION: Notice

SUMMARY: Standard Form 556, Medical Record—Immunohematology is cancelled. The Federal medical community no longer uses this form.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Williams, General Services Administration, (202) 501–0581.

DATES: Effective March 11, 2003.

Dated: March 3, 2003.

Barbara M. Williams,

Deputy Standard and Optional Forms Management Officer, General Services Administration.

[FR Doc. 03–5668 Filed 3–10–03; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office for Civil Rights

Notice of Address for Submission of Requests for Preemption Exception Determinations

AGENCY: Office for Civil Rights, HHS.

ACTION: Notification of address for submission of requests for preemption exception determinations.

SUMMARY: This notice advises that, in accordance with the requirements of 45 CFR 160.204(b), a request to except a provision of State law from preemption by a federal standard, requirement, or implementation specification adopted under the Administrative Simplification title of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104–191, must be submitted in writing to the Director, Office for Civil Rights, Department of Health and Human Services, Mail Stop Room 506F, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201. The requirements for submission of a request for an exception determination are described in the Supplemental Information below, and can be found at 45 CFR 160.203–205.

EFFECTIVE DATES: Requests for preemption exception determinations may be submitted a the designated address upon publication of this notice.

SUPPLEMENTAL INFORMATION: Section 1178(a)(1) of the Social Security Act (the Act), as added by section 262 of HIPAA, Public Law 104–191, establishes a general rule that State law provisions which are contrary to the standards, requirements, or implementation specifications adopted or established by the Secretary of Health and Human Services pursuant to the Administrative Simplification title of HIPAA are preempted by the Federal requirements. The Act, as amended, at sections 1178(a)(2), 1178(b) and 1178(c) provides for certain exceptions to this general rule. Regulations implementing the preemption rule and its exceptions are codified at 45 CFR part 160, subpart B. This notice pertains to section 1178(a)(2)(A) of the Act, which sets forth the circumstances under which the Secretary of Health and Human Services, or his designee, may make a determination that a contrary provision of State law will not be preempted by the Administrative Simplification title of HIPAA.[1]

Section 1178(a)(2)(A) of the Act provides that requests may be made for an exception to the general rule of Federal preemption, where the Secretary determines that a contrary provision of State law meets certain criteria. These criteria for a Secretarial exception determination are set forth at 45 CFR 160.203(a), as follows:

''(a) A determination is made by the Secretary under § 160.204 that the provision of State law:

(1) Is necessary:

(i) To prevent fraud and abuse related to the provision of or payment for health care;

(ii) To ensure appropriate State regulation of insurance and health plans to the extent expressly authorized by statute or regulation;

(iii) For State reporting on health care delivery or costs; or

(iv) For purposes of serving a compelling need related to public health, safety, or welfare, and, if a standard, requirement, or implementation specification under part 164 of this subchapter is at issue, if the Secretary determines that the intrusion into privacy is warranted when balanced against the need to be served; or

(2) Has as its principal purpose the regulation of the manufacture, registration, distribution, dispensing, or other control of any controlled substances (as defined in 21 U.S.C. 802), or that is deemed a controlled substance by State law.''

In addition, only State laws that are ''contrary'' to the Federal requirements are subject to preemption, and thus eligible for an exception determination. *See* 45 CFR 160.203. As defined at 45

[1] The Secretary does not have the legal authority to make determinations with respect to the exceptions to preemption in section 1178(a)(2)(B), 1178(b) and 1178(c) of the Act. Thus, the Secretary will not make exception determinations with respect to section 1178(a)(2)(B), which excepts from preemption contrary provisions of State law that relate to the privacy of individually identifiable health information and, under section 264(c)(2) of HIPAA, are ''more stringent'' than the federal requirements. Similarly, the Secretary does not have the legal authority to make determinations with respect to State laws that are excepted from preemption under sections 1178(b), concerning certain State laws providing for public health reporting, surveillance, investigation, or intervention, or 1178(c), concerning State laws requiring a health plan to report or provide access to information concerning management audits, financial audits, program monitoring or evaluation, or licensure or certificaiton of facilities or individuals.

CFR 160.202, ''contrary'' means that it would be impossible for a covered entity to comply with both the State and Federal requirements, or that the State law is an obstacle to accomplishing the full purposes and objectives of the Administration Simplification provisions of HIPAA.

The regulations also provide that a request to except a provision of State law from preemption under 45 CFR 160.203(a) must be submitted to the Secretary in writing. If the request is from a State, it must be submitted through its chief elected official, or his or her designee. The request must: (1) Identify the provision of State law for which the exception is requested; (2) identify the particular standard, requirement, or implementation specification for which the exception is requested; (3) specify the part of the standard or other provision that will not be implemented if the exception determination is made or the additional data to be collected based on the exception, as appropriate; (4) state how the exception determination would affect health care providers, health plans and other entities; and (5) the reasons why the State law should not be preempted, including how the contrary State law meets one or more of the specific criteria in 45 CFR 160.203(a). The Secretary may also request additional information that may be necessary for him to make the exception determination. *See* 45 CFR 160.204.

This notice establishes that, for the purposes of 45 CFR 160.204, exception determination requests should be addressed to the Director, Office for Civil Rights, Department of Health and Human Services, Mail Stop Room 506F, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.[2] To expedite handling, the envelope should also state: ''ATTN: Exception Determination Request.''

The Federal standard, requirement, or implementation specification remains in effect until an exception determination is made. When such determinations are made, we will promptly inform the public through publication of notice in the **Federal Register** and on the Department's websites, including the OCR Web site at *www.hhs.gov/ocr/hipaa/.*

[2] This notice identifies the address where all exception determinations should be submitted. The Secretary delegated to the Director of the Office for Civil Rights (OCR) the authority to make exception determinations as they may relate to the Privacy Rule. *See* 65 FR 82381. The Secretary, or his designee, shall make exception determinations with respect to requests concerning the other Administrative Simplification Rules.

The OCR Web site and the Web site for the Centers for Medicare and Medicaid Services, *http://www.cms.hhs.gov/hipaa/,* may also be consulted for more information about the Administrative Simplification provisions (including the Privacy Rule). In addition, answers to frequently asked questions about preemption and exception determinations will be available on the OCR website soon.

FOR FURTHER INFORMATION CONTACT: Susan McAndrew, Office for Civil Rights, Department of Health and Human Services, Mail Stop Room 506F, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201. Telephone number: (202) 205–8725.

Dated: January 29, 2003.

Richard M. Campanelli,

Director, Office for Civil Rights.

[FR Doc. 03–5774 Filed 3–10–03; 8:45 am]

BILLING CODE 4153–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Office of Budget, Technology and Finance; Statement of Organization, Functions, and Delegations of Authority

Part A, Office of the Secretary, Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (HHS) is being amended as follows: Chapter AM, Office of Budget, Technology and Finance, as last amended at 66 FR 55666–55678, dated October 26, 2001. This reorganization will help streamline Office functions and better support the Office's ability to meet the goals of the President's Management Agenda.

The changes are as follows:

1. Under Part A, ''Office of the Secretary,'' delete Chapter AM in its entirety and replace with the following:

A. Chapter (AM) Office of Budget, Technology and Finance

Section AM.00 Mission. The mission of the Office of Budget, Technology and Finance (OBTF) is to provide advice and guidance to the Secretary on budget, financial management, and information technology, and to provide for the direction and coordination of these activities throughout the Department.

Section AM.10 Organization: The Office of Budget, Technology, and Finance is headed by the Assistant Secretary for Budget, Technology and Finance (ASBTF). The Assistant Secretary for Budget, Technology, and Finance is the Departmental Chief Financial Officer (CFO), and reports to the Secretary. The office consists of the following components:

- Immediate Office of the ASBTF (AM)
- Office of Budget (AML)
- Office of Information Resources Management (AMM)
- Office of Finance (AMS)

Section AM.20. Functions

1. *Immediate Office of the Assistant Secretary for Budget, Technology, and Finance/Chief Financial Officer (AM).* Provides executive direction to OBTF components. The ASBTF is the principal adviser to the Secretary on all aspects of budgetary and financial management and information technology. By delegation from the Secretary, the ASBTF/CFO exercises full Department-wide authority of the Secretary in the assigned areas of responsibility to include all responsibilities provided by the Chief Financial Officers Act of 1990. This includes the approval of the job descriptions and skill requirements, and the selection of OPDIV CFOs as well as participation with the OPDIV Head in the annual performance plan/evaluation of the OPDIV CFO. In addition, the ASBTF/CFO provides Department-wide policy guidance on the qualifications, recruitment, performance, training, and retention of all financial management personnel. The ASBTF manages the Chief Information Officer (CIO) and the CIO's fulfillment of all functional responsibilities included in the Clinger-Cohen Act.

2. *Office of Budget (AML).* The Office of Budget is headed by a Deputy Assistant Secretary for Budget. The Office: (1) Advises and supports the Secretary and the Assistant Secretary for Budget, Technology and Finance/CFO and oversees the preparation of the Departmental budget estimates and forecasts resources required to support programs and activities of the Department; (2) analyzes budgetary and financial management implications of new or proposed legislation, programs or activities; (3) appraises program activities and operations in terms of policies, goals and objectives of the Department; (4) operates HHS' integrated funding system; (5) recommends and administers policies and procedures for allocation and control of employment ceilings; (6) develops and executes Department-wide procedures relating to implementation and management of the Government Performance and Results Act (GPRA); (7) responsible for the Office of the

Secretary activities under the Paperwork Reduction Act; (8) with particular reference to the Office of the Secretary (OS), works closely with the Office of the Assistant Secretary for Administration and Management (OASAM) in coordinating and consolidating the OS budget; (9) works closely with OASAM in OS budget operations, the development of budget policy and management of positions and financial resources for the OS; and (10) reviews proposed recommendation on draft regulations and proposed legislation.

3. *Office of Information and Resources Management (AMM).* The Deputy Assistant for Information Resources Management (DASIRM), who is also the HHS Chief Information Officer, heads the Office of Information Resources Management (OIRM). OIRM provides the Secretary and the Assistant Secretary for Budget, Technology, and Finance (ASBTF) with strategic planning, information resources management and technology policy, architecture, investment review, and Office of the Secretary (OS) computer operations management support. More specifically, OIRM, in collaboration with the HHS agencies and Staff Divisions; (1) develops and updates the Information Technology Five Year Strategic Plan; (2) develops and coordinates information resources management policies applicable across the Department and the Office of the Secretary, including the creation, handling, storage, dissemination, and disposition of information; (3) leads the development and implementation of an enterprise information infrastructure across the Department; (4) manages risks associated with major information systems and information technology; (5) evaluates major investments in information technology, and is responsible for their subsequent periodic review; (6) guides and oversees the development of information systems and communications networks; (7) leads e-government activities; and (8) provides data processing and communications equipment for the Office of the Secretary and participating HHS agencies, and implements, operates, and maintains standards office automation applications running on the OS network.

4. *Office of Finance (AMS).* The Office of Finance is headed by the Deputy Assistant Secretary for Finance who is also the Deputy Chief Financial Officer. The Officer of Finance: (1) Advises and supports the Secretary and the Assistant Secretary for Budget, Technology, and Finance/CFO on all aspects of financial activities across the Department; (2) as directed by the Secretary, oversees the design and implementation of a unified financial management system for the Department consisting of two major components: the Healthcare Integrated General Ledger Accounting System (HIGLAS) at the Centers for Medicare and Medicaid Services (CMS) and a system for the rest of the Department; (3) coordinates CFO activities and reports throughout HHS, including the preparation of audited financial statements and the preparation of the annual CFO report for submission to the OMB and Congress; (4) in coordination with other ASBTF components, participates in the clearance/approval process for program information systems that provide financial and/or program performance data which are used in financial statements; (5) provides advice to the ASBTF/CFO on approval of the job descriptions and skills requirements for OPDIV CFOs and on the approval of the selection of OPDIV CFOs; (6) provides advice to the ASBTF/CFO who participates with each OPDIV Head in the annual performance plan/evaluation of the OPDIV's CFO; (7) provides advice to the ASBTF/CFO on the qualifications, recruitment, performance, training and retention of all financial management personnel; (8) serves as the Departmental liaison with GAO, OMB, Treasury, and other Federal agencies on financial matters; (9) maintains Departmental finance and accounting standards; (10) resolves monetary findings involving management systems; (11) directs regional review of cost allocation activities; (12) ensures compliance with the Departmental reporting requirements of the Federal Managers Financial Integrity Act (FMFIA); (13) establishes Departmental policy in the management of Inspector General reports and audits; and (14) manages the day-to-day finance and accounting activities of the Office of the Secretary and other Departmental components as determined by the ASBTF/CFO.

B. Chapter AML, Office of Budget

Section AML.00 Mission. The Office of Budget provides advice and support to the Secretary and the Assistant Secretary for Budget, Technology, and Finance on matters pertaining to: Formulation of the HHS and President's budgets, management of program assessment and performance reporting, presentation of budgets and reconciliation legislation to OMB and the Congress, and resolution of issues arising from the execution of final appropriations.

Section AML.10 Organization. The Office of Budget is headed by the Deputy Assistant Secretary for Budget who reports to the Assistant Secretary Budget, Technology, and Finance/Chief Financial Officer and includes the following:

- Division of Discretionary Programs (AML1)
- Division of Health Benefits and Income Support (AML3)
- Division of Budget Policy, Execution and Review (AML4)

Section AML.20 Functions.

1. *Division of Discretionary Programs.* The Division:

a. Provides analytical services and assistance to the Secretary, the Assistant Secretary for Budget, Technology, and Finance, and Department OPDIV Heads in their budgetary management of the Department's principal discretionary programs, including science and health services programs administered by the Public Health Service components; and social service programs of the Administration for Children and Families and the Administration on Aging.

b. Reviews budgets and related requests for resources, and analyzes plans and proposals for new or alternative legislation.

c. Analyzes proposed regulations, reorganizations, or program initiatives to determine their policy, resource and budgetary implications.

d. Proposes recommendations on draft regulations, proposed legislation and reorganization proposals.

e. Proposes budget options and policy in initiatives as necessary to achieve program objectives established by the Secretary.

f. Assists in the development of strategies for the presentation of the budget to the Office of Management and Budget and the Congress, and develops materials for key Departmental officials who testify at hearings before these bodies.

g. provides guidance to OPDIV's in the formulation of their budgets.

h. Conducts special reviews and analyses to examine assigned OPDIV program operations and effectiveness.

i. Assists in the development of performance plans, reports, and program assessments under the Government Performance and Results Act.

j. Assists in the presentation of the Department's budget to the public by developing material for use of Departmental officials, and reviews press statements and other public documents for consistency with approved budgets and plans.

2. *Division of Health Benefits and Income Support.* The Division:

a. Provides analytical services and assistance to the Secretary, the Assistant Secretary for Budget, Technology, and Finance, and the Department OPDIV Heads in the budgetary management of the Department's principal entitlement programs including Medicare, Medicaid, Family Support Payments and other entitlements in support of children and families.

b. Reviews budget and related requests for resources; analyzes plans and proposals for new legislation, regulations, or program initiatives to determine their resource and policy implications; proposes recommendations for the Deputy Assistant Secretary for Budget on budget requests, draft regulations, proposed legislation, and reorganization proposals.

c. Assists the Secretary, the Assistant Secretary for Budget, Technology, and Finance and the OPDIV heads in evaluating programs and budgetary proposals by developing reliable cost projections for legislative and planning proposals, and ensuring that proposals are consistent with approval plans and policies.

d. Coordinates the preparation of budget estimates and forecasts of resources required to support the programs and operations of the Department.

e. Reviews reprogramming requests and recommend appropriate action to the Deputy Assistant Secretary for Budget.

f. Provides guidance in budget formulation for the appropriate OPDIV.

g. Conducts special reviews and analyses, and develops options to ensure efficient and effective program operations and to encourage improvements.

h. Proposes budget options and policy initiatives as necessary to achieve program objectives established by the Secretary.

i. Assists in the development of strategies for presentation of the budget to the Office of Management and Budget and the Congress and develops materials for key Department officials who testify at hearings before these bodies.

j. Assists in the development of performance plans, reports, and program assessments under the Governmental Performance and Results Act.

k. Manages the overall allocation of Health Care Fraud and Abuse Control (HCFAC) funds.

3. *Division of Budget Policy, Execution and Review.* The Division:

a. Directs the formulation and presentation of the HHS budget by developing and promulgating to the OPDIVs and others the policies, procedures, guidance, and schedules for preparing budget submissions.

b. Coordinates the presentation of the Department's budget and performance plan to Congress, including preparation and submission of justifications, reports, significant items, and crosscutting materials; preparation of the Secretary's testimony before the Appropriations Committees; and coordination of transcripts, questions for the record, and other hearing materials.

c. Provides advice and analysis to support Department-wide budget decision-making.

d. Maintains active communication with Department budget officers with regard to budget events and activities with OMB, GAO, Congress and other parties.

e. Manages a computerized budget information system reflecting data on a HHS-wide basis and coordinates OPDIV input into the system.

f. Provides direct staff support to the Secretary in preparation for appropriation hearings and other budget related presentations and briefings.

g. Actively communicates with the Budget and Appropriations Committees in the Congress and provides intelligence and analyses of budget decisions to senior HHS staff and the Operating Divisions.

h. Coordinates preparation of guidelines governing reprogrammings, transfers between accounts, and other crosscutting funding methods; provides recommendations and staff support in managing and processing crosscutting funding proposals.

i. Analyzes and prepares reports on HHS performance in managing FTE levels and FTE policy, and provides advice on Department-wide staffing.

j. Provides leadership and direction in the Department-wide review, analysis and appraisal of financial elements of program execution and the development and execution of policies related to efficient allocation, expenditure and control of funds.

k. Coordinates and tracks outlay projections: (1) To assist OMB in the continuing effort to monitor spending and to thereby improve the management of the Government's overall cash and debt operations; and (2) in support of formulation of the budget, including the maintenance of HHS ceiling controls and the development of outlay estimates shown in the President's Budget for controllable programs.

l. Promulgates Departmental spending policies, especially in the event of Continuing Resolutions and possible suspension of operations due to the failure of the Congress to enact appropriations on time, and works with agency budget officers and the Office of Budget in formulating agency funding plans.

m. Maintains a system of Department-wide budget execution, including the management and control of the apportionment of funds in accordance with the requirements of the Anti-Deficiency Act and OMB regulations; and request and monitors the receipt of Treasury warrants.

n. Serves as principal staff advisor to the ASBTF on all matters involving budget execution.

o. Acts as liaison on behalf of HHS with the Office of Management and Budget, the Treasury Department, the Congressional Budget Office, and other agencies on matters involving budget execution.

p. Responsible for the development and maintenance of a system of financial information which involves the collection, organization, and maintenance of financial data in electronic form as well as the development of reporting mechanisms for making the financial information useful and available for decision making.

q. Reviews and analyzes the budget of the Staff Divisions (STAFFDIVS) funded by the General Departmental Management (GDM), Office of Inspector General (OIG) and Office of Civil Rights (OCR) appropriations. Prepares special analyses of these budgets for use in decision-making, particularly for evaluating capacity and determining if alternative approaches are feasible. Monitors Congressional appropriations hearings in which the GDM STAFFDIVS, OIG and OCR are participants.

r. Works closely with OASAM in planning and formulating the GDM budget justification for presentation to the Secretary, Office of Management and Budget and the Congress.

s. Represents the Department in government-wide activities to implement the development and implementation of performance measures under GRPA and budget-related GPRA performance planning policies, requirements and processes. Manages program performance assessment activities.

t. Provides special management review services for selected activities.

u. Provides staff assistance to the Secretary, the Assistant Secretary for Budget, Technology and Finance, the Service and Supply Funds (SSF) Board of Directors, OPDIV Budget Officers and STAFFDIV Heads in the budgetary and financial management of the Service and Supply Fund.

v. Provides for budget policy management and financial integrity of the SSF in the provision of Department common use administrative services.

w. Assists in the planning and preparation of the SSF budget for presentation to the SSF Board, the Office of Management and Budget, and Congress.

x. Prepares apportionment requests for the Service and Supply fund.

C. Chapter AMMN, Office of Information Resources Management

AMM.00 Mission. The Office of Information Resources Management advises the Secretary and the Assistant Secretary for Budget, Technology and Finance on matters pertaining to the use of information and related technologies to accomplish Department goals and program objectives. The mission of the Office is to establish and provide: assistance and guidance on the use of technology-supported business process reengineering; investment analysis; performance measurement; strategic development and application of information systems and infrastructure; policies to provide improved management of information resources and technology; and better, more efficient service to our clients and employees.

The Office is responsible for: information resources management throughout the Department; representing the Department to central management agencies (e.g., the Office of Management and Budget); directing the Enterprise Architecture efforts and the enterprise solutions across the Department; developing and maintaining the Department's information technology architecture; developing and establishing Department information technology policies, and advocating rigorous methods for analyzing, selecting, developing, operating, and maintaining information systems.

The Office collaborates with the Operating Divisions (OPDIVs) and Staff Divisions (STAFFDIVs) of the Department to review and resolve policy and management issues, manage risk associated with major information systems, evaluate and approve investments in technology, monitor adherence to Departmental policy and architectural standards, and share best practices. The Office exercises authorities delegated by the Secretary to the Deputy Assistant Secretary for Information Resources Management, as the CIO for the Department. These authorities derive from the Information Technology Management Reform Act of 1996, the Paperwork Reduction Act of 1995, the Computer Matching and Privacy Act of 1988, the Computer Security Act of 1987, the Government Information Security Reform Act (GISRA), the National Archives and Records Administration Act of 1984, the Competition in Contracting Act of 1984, the Federal Records Act of 1950, OMB Circulars A–130 and A–11, Government Printing and Binding Regulations issued by the Joint Committee on Printing, and Presidential Decision Directive 63.

Section AMM.10 Organization. The Office of Information Resources Management (OIRM) is supervised by the Deputy Assistant Secretary for Information Resources Management/ HHS CIO, who reports to the Assistant Secretary for Budget, Technology and Finance. The CIO serves as the primary IT leader for the Department.

OIRM consists of the following:

- Immediate Office (AMM1)
- Office of IT Policy Development and Implementation (AMM2)
- Office of OS IT Development and Services (AMM3)
- Office of HHS Enterprise Operations (AMM4)
- Office of Information Security Development and Implementation (AMM5)

Section AMM.20 Functions

1. *Immediate Office of Information Resources Management*—This Office supports the DASIRM/CIO, and also provides leadership in OS IT issues, HHS IT architecture, use of technology in HHS and the HHS Web site. It performs the following functions:

a. Provides continuous development and implementation of effective strategic solutions for enabling the HHS mission. Provides advice and counsel to the Secretary and the Assistant Secretary for Budget, Technology and Finance.

b. Provides executive direction to align Departmental strategic planning for information resources and technology with the Department's strategic business planning.

c. Provides executive direction to develop and maintain Departmental information technology policy and architecture.

d. Promotes business process reengineering, investment analysis, and performance measurement throughout the Department, to capitalize on evolving information technology.

f. Represents the Department in Federal Government-wide initiatives to develop policy and implement an information infrastructure.

g. Provides leadership to the Department's Information Technology Investment Review Board (ITIRB) and the Department's Chief Information Officers' Advisory Council.

h. Oversees enterprise IT efforts and any similar OPDIV efforts related to architecture, technology and the HHS web site. Provides review and guidance to the ITIRB and CIO Council via analyses of alternative analyses strategies, standards compliance, architectural conformance and technology solutions.

i. Develops and maintains the HHS-wide Architecture, including the business, data, application and technology components. Establishes architecture tools and repositories, coordinates with OPDIV architectures, develops technical guidance, assists managers of applications systems, and coordinates expert working groups to populate the architecture.

j. Advises the HHS ASBTF, agency CIOs and other senior officials on matters relating to technology. Leads the development of a department-wide investment strategy for advanced, innovative technology, and reviews agency technology policies, programs, processes and capabilities to ensure that HHS technology programs support the Department's objectives.

k. Performs alternative analysis for key emerging and enabling technologies. Coordinates or directs pilot project in these areas to establish proof of concept, confirm return on investment, or implement initial production implementation.

l. Leads the development of HHS web communications to provide users with a single access point for HHS information. Leads the development of an enterprise information portal to improve the ability of HHS employees to communicate and collaborate with each other.

2. *Office of IT Policy Development* & Implementation (OITP)—The Office of IT Policy Development & Implementation is primarily responsible for IT policy development, capital planning, IT budgeting and investment control, Paperwork Reduction Act activities, and IT planning and review. The Office performs the following functions:

a. Works with OPDIV Chief Information Officers (CIOs) to support Government-wide initiatives of the Federal CIO Council and to identify opportunities for participation and consultation in information technology projects with major effects on OPDIV program performance.

b. OITP provides leadership in the planning, design, and evaluation of major Departmental projects and oversight throughout project rollout and perform post implementation performance assessments.

c. Assesses risk that major information systems pose to performance of program operations and administrative business throughout the Department, develops risk assessment policies and standard operating procedures and tools, and uses program outcome measures to gauge the quality of Departmental information resources management.

d. Coordinates the Department's strategic planning and budgeting process for information technology, and provides direct planning development and support to assure that IRM plans support agency business planning and mission accomplishment.

e. Coordinates the activities of the Departmental Information Technology Investment Review Board (ITIRB) in assessing and prioritizing the Department's major information systems, and in analyzing and evaluating IT investment decisions. Reviews OPDIV ITIRB implementations, IT capital funding decisions, and use of performance metrics to evaluate program for both initial and continued funding.

f. Develops policies and guidance on information resources and technology management, including telecommunications, as required by law or regulation or to fulfill CIO responsibilities and Departmental initiatives.

g. Coordinates and supports the Department's Chief Information Officer's Advisory Council, whose membership consists of Chief Information Officers from OPDIVs.

h. Representing the Department through participation on interagency and Departmental work groups and task forces, as appropriate.

i. Working with OPDIV Chief Information Officers to identify opportunities for administering information management functions and telecommunications initiatives with major effects on OPDIV performance. OITP provides leadership primarily in defining alternatives for acquisition of telecommunications services and coordinating implementation of information management initiatives in conjunction with the Chief Technology Officer and the Department Architect.

j. Managing, in accordance with the Paperwork Reduction Act of 1980, as amended, the OS activities related to the review and approval of all public use reports and record-keeping requirements that impose a paperwork burden on the public. Developing policies for and managing the OS Information Collection Budget. Developing policies and procedures for the OS and carrying out analyst and oversight activities related to the Department's paperwork burden reductions efforts.

k. Approving and reporting on computer matching activities as required by law through the Departmental Data Integrity Board.

l. Managing the Departmental printing management, records management, and mail management policy programs.

m. Providing support for special priority initiatives identified by the CIO.

3. *Office of OS IT Development and Services*—The Office of OS IT Development and Services is responsible for providing Network Services, Help Desk Services, OS Security, Secretary's Command Center and Continuity of Operations Planning (COOP) support, and OS Outreach/Customer Relationship Management (CRM). It is directed by the CIO for the Office of the Secretary. It is also a primary resource for advising the CIO on technology implementation, and for piloting CIO special programs. The Office of OS IT Development and Services is responsible for the following:

a. Operating, maintaining, and enhancing the OS computer network and services, including services for participating HHS organizations.

b. Implementing and monitoring network policies and procedures, and developing plans and budgets for network support services.

c. Identifying, implementing, and maintaining standard office automation applications running on the OS network.

d. Ensuring reliable, high-performance network services.

e. Implementing and operating electronic tools to enhance Secretarial communications with all HHS personnel.

f. Coordinating with the STAFFDIVs to develop the OS IT capital planning and budgeting processes, providing direct planning support to assure that IRM plans support agency business planning and mission accomplishment.

g. Implementing policies and guidance on information resources management within the Office of the Secretary for acquisition and use of information technology, development of architectural standards for interoperability, and coordination of implementation procedures.

h. Maintaining and operating the inventory of automated data processing equipment for the Office of the Secretary.

i. Operating and maintaining an information technology support service (Help Desk) for participating HHS components.

j. Managing contracts for equipment and support services related to the provision of IT services in OS and participating agencies.

k. Chairing and supporting the Office of the Secretary Information Resources Management Policy and Planning Board, an advisory body whose membership consists of the Staff Division Chief Information Officers.

l. Representing OS and/or the Department through participation on interagency and Departmental work groups and task forces, as appropriate.

m. Responsible for OS compliance with and implementation of all applicable Federal Laws regarding IT Security.

4. *Office of HHS Enterprise Operations*—The Office of Enterprise Operations is responsible for Applications Development and OIRM Business Operations. The Office advises the CIO and OIRM managers on all administrative functions and activities, and coordinates the strategic planning and budgeting processes for information technology, operations and administrative management for the Office of Information Resources Management. The Office coordinates e-government efforts across the Department, and provides recommendations regarding funding of e-government efforts, strategies on agency-specific system integration, and reviews new projects for possible redundancy with existing e-gov initiatives. It coordinates Department enterprise applications with the Chief Department Architect and Chief Technology Officer. The Office is responsible for the following:

Leading Departmental efforts to expand the availability of electronic means for conducting business.

a. Coordinates HHS activities that support the President's Management Agenda's objective for E-Government.

b. Coordinates planning and task tracking across OIRM to ensure effective utilization of staff and other resources.

c. Prepares, manages, integrates and coordinates budget formulation, presentation and execution with respect to the Office of Information Resources Management. Conducts analyses of budget implementation for both the DASIRM. Identifies IT budget related cross-cutting issues that cross-cut the OPDIVs and STAFFDIVs.

e. As directed by the DASIRM, prepares staffing forecasts, analyzes staffing requirements and utilization, and recommends strategies for changes in human capital for OIRM.

f. Oversees full life-cycle of OIRM contracts. Works with HHS contracting organizations, contractors and other parties to ensure that contractual transactions are substantively correct, and to track completion of tasks.

g. Oversees and manages employee performance improvement programs to develop and maintain the technical expertise and qualifications of employees in OIRM.

h. Coordinates and directs the Department's IT systems in compliance with Section 508 of the Rehabilitation Act (1973).

5. *The Office of HHS Security Development and Implementation*—The Office of HHS Security Development and Implementation is responsible for developing, implementing and administering the program to protect the information resources of the Department. This includes management and oversight of activities under the Government Information Security Reform Act (GISRA), IT critical infrastructure protection (CIP), and Department-wide security contracts and high level project management of OPDIV security programs, such as corrective action plans and security policies. The Office is responsible for the following:

a. Implementing and administering the program to protect the information resources of the Department in compliance with legislation, Executive Orders, directives of the OMB, or other mandates requirements (e.g., the Clinger-Cohen Act, Presidential Decision Directive 63, OMB Circular A–130), the National Security Agency, and other Federal agencies.

b. Directing the development of and implementing cyber security policies and guidance for the Department, including requirements for employees and contractors who are responsible for systems or data, or for the acquisition, management, or use of information resources. Updating the HHS Automated Information Systems Security Program and book as needed.

c. Monitoring information system security program activities in the Department by reviewing OPDIVs and STAFFDIVs security plans for sensitive systems, recommending improvements, and evaluating safeguards to protect major information systems, or IT infrastructure.

d. Responding to requests in conjunction with OMB Circular A–130, the Computer Security Act of 1987, and Presidential Decision Directive 63, or other legislative or mandated requirements related to IT security or privacy.

e. Monitoring all Departmental systems development and operations for security and privacy compliance and providing advice and guidance to ensure compliance standards are included throughout system life cycle development. Reviews Departmental ITIRB and CIO Council business cases (as well as OMB circular A–11 requirements) for assurance of security and privacy compliance.

f. Recommending to the CIO to grant or deny programs the authority to operate information systems, based on security compliance.

g. Establishing and leading inter-OPDIV teams to conduct reviews to protect HHS cyber and personnel security programs and conduct vulnerability assessments of HHS critical assets. This includes regular certification of existing systems as well as newly implemented systems.

h. Reviewing the Department's information resources for fraud, waste, and abuse to avoid having redundant resources, in conformance with the Clinger-Cohen Act.

i. Developing, implementing, and evaluating an employee cyber security awareness and training program to meet the requirements as mandated by OMB Circular A–130 and the Company Security Act.

j. Establishing and providing leadership to the Subcommittee of the HHS CIO Council on Security.

k. Establishing and leading the HHS Computer Security Incident Response Capability team, the Department's overall cyber security incident response/coordination center and primary point of contact for Federal Computer Incident Response Capability (FedCIRC) and National Infrastructure Protection Center (NIPC).

D. Chapter AMS, Office of Finance

Section AMS.10 Mission. The Office of Finance provides financial management advice and leadership to the Secretary and the Assistant Secretary for Budget, Technology and Finance, and the Operating Divisions' Chief Financial Officers (CFOs).

Section AMS.20 Organization. The Office of Finance is headed by the Deputy Assistant Secretary for Finance (DASF), who is also the Deputy Chief Financial Officer, and reports to the Assistant Secretary for Budget, Technology and Finance (ASBTF)/Chief Financial Officer (CFO). The Office includes the following:

- Immediate Office (AMS)
- Office of Financial Policy (AMS1)
- Program Management and Systems Policy Office (AMS4)
- Office of Audit Resolution and Cost Policy (AMSA5)

Section AMS.20 Functions

1. *Immediate Office (AMS).* The Immediate Office is responsible for support and coordination across the Office of Finance in the following areas: (1) Standards for financial systems and financial reporting; (2) cash and credit management, debt management, payment management including disbursement activities and functions, (3) the design and development of Department-wide and component financial systems; (4) the HHS Financial Management Plan and the HHS Annual Performance and Accountability Report; (5) the development of outcome-based financial performance measures and plans through facilitation and training forums and best practices; (6) coordination with other ASBTF components in the clearance/approval process for program information systems that provide financial and/or program performance data which are used in financial statements; (7) the implementation of a unified financial management system across HHS; (8) the preparation of financial statements that accurately represent HHS' financial condition; and (9) ensuring compliance with the Departmental reporting requirements of the Federal Managers Financial Integrity Act (FMFIA). In addition, the Immediate Office recommends CFO approval of the job descriptions and skill requirements for OPDIV CFOs advises the ASBTF/CFO on the selection of OPDIV CFOs; and advises the ASBTF/CFO regarding the annual performance plan/evaluation of each OPDIV CFO. The office also provides guidance on the qualifications, recruitment, training and retention of all financial management personnel.

2. *Office of Financial Policy (AMS1).* The Office of Financial Policy comprises the Division of Financial Management Policy (DFMP).

Division of Financial Management Policy (AMS11)

a. Develops Department-wide policies, procedures, and standards for financial management areas including cash management, credit management, debt management, payment and disbursement activities and functions, and promulgates these and related government-wide financial management requirements through the Departmental Accounting Manual system;

b. Establishes a financial management planning process for the development of strategic and tactical plans, preparation of the Department's Annual Financial Management Plan under the CFO Act, and provision of guidance and financial management indicators that enable that ASBTF/CFO to evaluate the financial management programs and activities of the Department;

c. Provides support to the OPDIVs' Chief Financial Officers for financial planning and improvement initiatives;

d. Serves as principal staff advisors on fiscal and accounting policy matters to the Office of Finance;

e. Maintains liaison with the Office of Management and Budget (OMB), the Treasury Department, the General Accounting Office (GAO), the General Services Administration and other agencies on all financial management policy matters;

f. Maintains the Department Accounting Manual (DAM) which is the official accounting standard for recording and reporting accounting transactions;

g. Provides advice and assistance to OPDIVs and STAFFDIVs on financial accounting and related fiscal matters, government-wide accounting standards and serves as principal advisor to the DASF as it relates to financial statement preparation, audit and financial reporting;

h. Prepares, analyzes, coordinates and assesses financial data reflecting financial, accounting and performance information of the department financial activities;

i. Recommends policy and maintains a system for tracking and improving cash and credit management and debt collection performance throughout the Department;

j. Prepares the annual HHS report on CFO activities as guided by the DASF/ Deputy CFO.

3. *Program Management and Systems Policy Office (AMS4).* The Program Management and Systems Policy Office has the following components:

- Program Management Office (AMSA)
- Division of Accounting and Fiscal Policy (AMS41)
- Division of Financial Systems Policy (AMS42)

a. *Program Management Office (AMSA).* The Office is responsible for overseeing the design and implementation of a department-wide unified financial management system (UFMS) consistent with the Secretary's directive. The system consists of two major components: the Healthcare Integrated General Ledger Accounting System (HIGLAS) at the Centers for Medicare and Medicaid Services (CMS) and a system for the rest of the Department. The office's responsibilities include:

(1) Overseeing the design, development, and implementation of the UFMS and the development of life-cycle and budgetary plans;

(2) Monitoring the milestones and schedules as well as budget expenditures;

(3) The meditation and coordination of UFMS activities throughout all levels of HHS;

(4) Ensuring that the UFMS complies with applicable Federal accounting concepts and standards, as well as all HHS accounting policies and procedures;

(5) Ensuring that business requirements are met, the future direction of the initiative is consistent with HHS planning, and the status of the project is appropriately communicated to internal and external organizations;

(6) Overseeing a comprehensive program of change management that includes addressing department communication, training plans and human resource issues;

(7) Coordinating with workgroups to maximize the input from the cross-functional areas of HHS into the implementation process; and

(8) Overseeing all risk management plans to ensure that risks to the Program are identified and effective mitigation strategies developed.

b. *Division of Accounting and Fiscal Policy (AMS41)* The Division:

(1) Develops uniform business rules, data standards and accounting policy and procedures in support of new financial systems implementations. Ensures the development of ongoing accounting policy that further supports the consistent development and implementation of these systems;

(2) In collaboration with the Office of Financial Policy, provides advice and assistance to OPDIVs and STAFFDIVs on financial accounting and related fiscal matters, and advises the DASF on such matters as they related to financial systems implementations; anD

(3) Maintains liaison with the Office of Management and Budget (OMB), the Treasury Department, the General Accounting Office (GAO), and other agencies on accounting and fiscal years matters as they relate to financial systems implementations.

c. *Division of Financial Systems Policy (AMS42)* The Division:

(1) Develops department-wide policies and standards for financial and mixed financial systems;

(2) Provides advice and serves as the focal point with OMB, Treasury, GAO and other Federal control agencies on financial systems compliance matters;

(3) Provides for the establishment of Department-wide financial definitions and data structures;

(4) Provides for the administration of a data integrity and quality control program to ensure compliance with applicable Federal directives, Departmental financial systems policy and automated financial data exchange requirements;

(5) Oversees and monitors existing Department-wide and component accounting and financial management systems;

(6) In collaboration with the Office of Financial Policy, advises the DASF on financial systems related matters; and

(7) Maintains liaison with the OMB, Treasury, GAO and other agencies on matters involving financial systems.

4. *Office of Audit Resolution and Cost Policy (AMS5).* The Office of Audit Resolution and Cost Policy provides leadership in the areas of resolving cross-cutting audit findings and managing cost policy. The Office has functional responsibility for cost principles and Department-wide cost policies and procedures affecting grants and contracts. It performs the following functions.

a. Serves as the Departmental liaison and maintains working relationships with OMB and other Federal agencies in the development of government-wide cost principles and Department-wide audit resolution policies; maintains similar relationships with associations of State, universities and other grantee and contractor organizations;

b. Reviews and resolves audit reports containing monetary and/or systemic findings of grantee and contractor organizations affecting the programs of more than one Operating or Staff Division or Federal agency. Conducts or arranges for additional reviews as needed;

c. Coordinates where necessary with other affected Federal agencies to establish a uniform Federal position on the actions needed to be taken and negotiates resolution on behalf of all Federal Departments and agencies;

d. When deemed necessary to protect the interests of the Department, makes recommendations to the Secretary, the ASBTF and other officials on safeguards or other actions against a grantee or contractor, where the organization is unwilling or unable to correct serious deficiencies in a timely manner;

e. Provides and arranges for technical assistance and/or training programs to grantee, contractors, and other Operating and Staff divisions on audit resolution, cost reimbursement and financial management of grants and contracts;

f. Upon request, reviews and approves accounting or other systems developed by grantees and contractors to meet Federal cost principle requirements;

g. Establishes and monitors policy regarding audit issuance, follow-up and resolution for the Department in support of the function of the HHS audit followup official as required by OMB Circular A–50;

h. Coordinates status of final action on OS audits with the ASBTF Office of Budget; and

i. Prepares Management Report and Final Action for the Performance and Accountability Report.

II. Delegation of Authority—All delegations and redelegations of authority made to officials and employees of affected organizational components will continue in them or their successors pending further redelegation, provided they are consistent with this reorganization.

Dated: February 28, 2003.

Ed Sontag,

Assistant Secretary for Administration and Management.

[FR Doc. 03–5722 Filed 3–10–03; 8:45 am]

BILLING CODE 4150–04–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Meeting of the National Advisory Council for Healthcare Research and Quality

AGENCY: Agency for Healthcare Research and Quality (AHRQ)

ACTION: Notice of public meeting.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces a meeting of the National Advisory Council for Healthcare Research and Quality.

DATES: The meeting will be held on Friday, March 28, 2003, from 8:30 a.m. to 4 p.m. and is open to the public.

ADDRESSES: The meeting will be held at the Hubert H. Humphrey Building, 200 Independence Avenue, SW., Room 800, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Anne Lebbon, Coordinator of the Advisory Council, at the Agency for Healthcare Research and Quality, 2101 East Jefferson Street, Suite 600, Rockville, Maryland, 20852, (301) 594–7216. For press-related information, please contact Karen Migdail at (301) 594–6120.

If sign language interpretation or other reasonable accommodation for a disability is needed, please contact Mr. Donald L. Inniss, Director, Office of Equal Employment Opportunity Program, Program Support Center, on (301) 443–1144 no later than March 21, 2003.

Agenda, roster, and minutes are available from Ms. Bonnie Campbell, Committee Management Officer, Agency for Healthcare Research and Quality, 2101 E. Jefferson Street, Suite 400, Rockville, Maryland, 20852. Her phone number is (301) 594–1846. Minutes will be available after April 25, 2003.

SUPPLEMENTARY INFORMATION:

I. Purpose

Section 921 of the Public Health Service Act (42 U.S.C. 299c) established the National Advisory Council for Healthcare Research and Quality. In accordance with its statutory mandate, the Council is to advise the Secretary of the Department of Health and Human Services and the Director, Agency for Healthcare Research and Quality (AHRQ), on matters related to actions of the Agency to enhance the quality, improve the outcomes, reduce the costs of health care services, improve access to such services through scientific research, and to promote improvements in clinical practice and in the organization, financing, and delivering of health care services. The council is composed of members of the public appointed by the Secretary and Federal *ex officio* members.

II. Agenda

On Friday, March 28, 2003, the meeting will begin at 8:30 a.m., with the call to order by the Council Chairwoman. The Director, AHRQ, will present the status of the Agency's current research, programs, and initiatives. Tentative agenda items include AHRQ's research on health care costs, on long term care and on patient safety. The official agenda will be available on AHRQ's website at *www.ahrq.gov* no later than March 5, 2003. The meeting will adjourn at 4 p.m.

Dated: February 26, 2003.

Carolyn M. Clancy,

Director.

[FR Doc. 03–5782 Filed 3–10–03; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. ACYF/HSB–2003–01]

Notice Inviting Abstracts for Grants To Support the Development of Innovation and Improvement Projects That Address the President's Initiatives Within Head Start Programs

AGENCY: Administration on Children, Youth and Families, ACF, DHHS.

ACTION: Notice.

SUMMARY: The Administration for Children and Families (ACF), the Administration on Children, Youth and Families (ACYF) invites abstracts from organizations for Innovation and Improvement Projects that address the President's initiatives related to the Head Start (including Early Head Start) program and other priorities which meet needs related to the comprehensive nature of Head Start, such as, medical and dental needs and the needs of special populations served by the program.

The Catalogue of Federal Domestic Assistance Number is 93.600.

DATES: The closing date for submitting abstracts under this announcement is May 12, 2003. An original and two copies are required. Mailed applications will be considered as meeting the announced deadline if they are postmarked on or before the published deadline date. Only abstracts, not full proposals, will be accepted under this announcement. Abstracts hand-carried by applicants, applicant couriers, other representatives of the applicant, or by overnight/express mail couriers or any other method of hand delivery shall be considered as meeting an announced deadline date if they are received on or before the published deadline date, between the hours of 8 a.m. and 4:30 p.m., e.d.t., Monday through Friday, (excluding Federal holidays), at the following address:

ACYF Operations Center, Program Announcement No. ACYF/HSB–2003–01, 1150 Connecticut Avenue, NW., Suite 1100, Washington, DC 20036. Telephone: 1–800–351–2293. E-mail: *HSB@esilsg.org.*

ACYF cannot accommodate the transmission of applications by FAX or through other electronic media. Therefore, applications transmitted to ACYF electronically will not be accepted regardless of the date or time of submission and time of receipt. ACYF may extend a deadline for applicants affected by Acts of God such as floods and hurricanes, when there is widespread disruptions of mail service, or for other disruptions of services, such as a prolonged blackout, that affect the public at large. A determination to waive or to extend deadline requirements rests with the Chief Grants Management Officer. Applicants will receive a confirmation postcard upon receipt of an abstract. Copies of the program announcement, necessary application forms, and appendices can be obtained by contacting the above address. Copies of the program announcement and necessary application forms can also be downloaded from the Head Start Web site at *www.acf.hhs.gov/programs/hsb.*

FOR FURTHER INFORMATION CONTACT: When contacting ACYF directly with questions send to William Wilson, Grants Officer, 330 C Street, SW., Washington, DC 20447, 202–205–8913, *wwilson@acf.hhs.gov,* or Frankie Hoover Gibson, Program Specialist, 330 C St, SW., Washington, DC 20447, 202–205–8399, *fgibson@acf.hhs.gov.*

Statutory Authority

This announcement is authorized by the Head Start Act (42 U.S.C. 9801).

Eligible Applicants

Any public or private non-profit organization, including state and local governments, Federally recognized Indian tribes, faith-based organizations, and private nonprofit organizations, including universities and other institutions of higher education, may apply. Applications may also be submitted by private for-profit organizations provided no grant funds are to be paid as profit to grantees, *i.e.,* any amount in excess of allowable direct and indirect costs of the recipient (45 CFR 74.81).

Process for Application Submission

ACYF and the Head Start Bureau are engaging in a three-part process. First, eligible organizations are invited to submit an abstract based on the requirements in this announcement. Second, organizations submitting successful abstracts will be invited to submit applications, addressing the planning phase and the implementation phase, for competitive review and possible funding. Third, organizations successfully completing the planning phase will be eligible for consideration of implementation funding.

Available Funds

Financial awards will be made only in the second and third part of the process; no financial awards will be made based on abstracts submitted. An invitation to submit an application is not a guarantee of funding.

The number of projects funded as a result of this announcement will depend in large part on the quality and usefulness of the innovations and improvements responding organizations propose. In addition, we expect that the size of awards will vary significantly depending on the nature of each project. Generally, planning awards will be up to $100,000 and subsequent implementation awards will be up to $1,000,000. Smaller awards may be appropriate in many cases and occasionally larger awards will be justified. It is anticipated that $3,000,000 is available in FY 2003 for 30–40 planning grants. In later phases, we expect that total funding for planning and implementation grants will be up to $10,000,000 in any fiscal year. Planning awards will be for a period of up to nine months. Subsequent implementation awards will be for one to three 12-month periods. Continued funding of any project selected through the competitive process is contingent upon the continued availability of appropriated funds. Further, continued funding may be ended on a determination by ACYF that continuation of the project is no longer desirable from a policy perspective. In the latter event, ACYF will not terminate the funding prior to the end of the budget period and will provide the grantee with 45 days notice of the end of the project.

Applicants are encouraged to provide a share of the resources needed to support their proposal. However, there is no specific amount of non-federal support required of applicants or other third parties. If a proposed project activity has approved funding support from other funding sources the amount, duration, purpose and source of the funds should be indicated in materials submitted under this announcement. If completion of the proposed project activity is contingent upon approval of funding from other sources, the relationship between the funds being sought elsewhere and from ACYF should be discussed in the budget information submitted as a part of the abstract. In both cases, the contribution that ACYF funds will make to the project should be clearly presented.

Part I. Purpose and Background

Purpose

The Head Start program provides comprehensive child development services to more than 900,000 of our nation's neediest young children. The President has identified Head Start as an important link in the improvement of our country's education system through the Good Start, Grow Smart Early Childhood Initiative. ACYF is working to improve the effectiveness of Head Start in important areas such as supporting early literacy, strengthening parental involvement and assuring that all children achieve measurable improvement as a result of participating in Head Start.

There are a number of organizations and institutions with innovative concepts, projects and products that could help improve the effectiveness and management of local Head Start and Early Head Start sites. It is the intent of ACYF to solicit proposals for innovations and improvements so these efforts can be identified and considered. If they are found to have merit, ACYF plans to provide financial assistance so they can be further developed or assessed and made available to local Head Start programs. This is the first of what we expect will be periodic solicitations of this type.

Many organizations (at the national, state and local level) seek the Head Start Bureau's guidance because they have seen a need for activities that will improve the quality of Head Start programming. These are organizations that wish to respond and do not have the capacity but have valid concepts, products, and projects that address the President's priorities for improving the comprehensive services provided by the Head Start Bureau. This competition will assess the feasibility of funding some of these projects. The focus will be on developing new concepts, products, and projects, primarily related to the important priorities and special needs listed in part II. However, this competition is not limited to these priority areas.

This solicitation will be carried out in a three-phase process: (1) Abstract submittal; (2) planning grant application submission by successful abstract applicants; and (3) implementation grant awards to a limited number of successful planning grant recipients. Interested parties are therefore expected to detail in the abstract the long-term goals and strategies to be implemented, if awarded a subsequent implementation grant. They should also describe the benefits of the planning grant (up to nine months in duration) in terms of how it will be used to prepare for the implementation phase.

Background

Head Start, established in 1965, is a comprehensive child development program currently serving annually over 900,000 primarily young children in low-income families, from three years of age to the age of mandatory school attendance. Since the addition of Early Head Start in 1995, children from birth to three, pregnant women and their families are also included. Grants for Head Start and Early Head Start programs are awarded to local public and private agencies by the Administration for Children and Families (ACF) in the U.S. Department of Health and Human Services (HHS). Over 2,100 grantees and delegate agencies provide these programs in every state, Puerto Rico, Virgin Islands, Outer Pacific, as well as American Indian/Alaska Natives and Migrant/Seasonal Farm Worker populations.

Head Start has a long tradition of delivering comprehensive services designed to foster healthy development in the most vulnerable young children, including those with disabilities. Head Start and Early Head Start grantees and delegate agencies provide a range of individualized services in the areas of education and early childhood development; medical, dental, mental health and nutrition; and family and community partnership development through parent involvement. In addition, the entire range of Head Start services is responsive and appropriate to each child and family's developmental, ethnic, cultural and linguistic heritage and experience.

Part II: Priority Areas

This request for abstracts, and subsequent planning grant applications from a successful sub-set of those abstracts submitted, is an effort to meet program needs and enhance and support current Presidential and Departmental Initiatives related to the mission of the Head Start Bureau. The priority areas to be addressed in this announcement include, but are not limited to, Early Literacy Development; Improving Services to Rural Areas; Positive Youth Development; and Strengthening Families/Fatherhood. Eligible applicants are invited to submit applications for innovation and improvement in any aspect of Head Start services. Conceivably proposals could address improvements in transportation services, nutrition services, services to special populations, program management and a number of other areas.

Early Literacy Development: Research shows that early literacy development is a strong predictor of later success in school and work. With well-developed language and early literacy skills, all children can enter school ready to learn. Many risk factors that affect academic progress may be ameliorated by the efforts of early care providers armed with solid information and skills about how to best systematically engage children and their families in the use of language and the joy of reading.

Improving Services to Rural Areas: Ensuring the health and welfare of the 65 million rural residents is an essential part of a national policy that promotes the self-sufficiency of all Americans. These rural areas frequently experience difficulties related to inadequate funds, personnel and support networks that hinder services. The intent of the Rural Initiative, as it relates to Head Start, is to examine ways to improve and enhance the provision of health care and human services to rural communities serving Head Start children and families.

Positive Youth Development: This initiative includes providing technical assistance and support to after-school and summer programs; exploring the impact on adolescents of intensive parental employment under welfare reform; and partnering with other federal agencies, states, communities and private organizations in support of youth development services. In the context of Head Start, projects could include ways to involve older youth and siblings in the family partnership process and supporting services as well as learning and community building opportunities for youth. *Strengthening Families/Fatherhood:* Nearly 25 million children in the United States are growing up in homes without fathers and the potential impact is troubling. These children are more likely to live in poverty, perform poorly in school, engage in criminal activity, and abuse drugs and alcohol. The President has made promoting responsible fatherhood a national priority. The following principles guide this initiative in support of improving the stability and healthy development of our nation's children and youth: (1) All fathers can be important contributors to the well-being of their children; (2) parents are partners in raising their children, even when they do not live in the same household; (3) the roles fathers play in families are diverse and related to cultural and community norms; (4) men should receive the education and support necessary to prepare them for the responsibility of parenthood; and (5) government can encourage and promote father involvement through its programs and through its own workforce policies. Projects under this priority could include efforts to help Head Start fathers establish positive relationships with their children, provide financial and emotional support, and develop responsible parenting skills.

Part III. Competitive Criteria and General Instructions

Applicants must first submit an abstract as described in the application section below. *Please read this section carefully.* Abstracts must comply with the application guidelines. Abstracts that do not comply with the application guidelines will not be considered. Abstracts must be received in the following format: 12 point font size;

Single spaced text with double spaces between paragraphs; maximum ten pages; 1-inch top and bottom, left and right, margins.

Title Page

This page should include a reference to the program announcement: Head Start Innovation and Improvement Projects—Abstract; title of proposed project; name of applicant; mailing address, telephone number, fax number, and e-mail address of the lead contact. (This will be the information used by ACYF to request full proposals from selected applicants.) The title page must include the total number of months needed for completion of the planning phase, the total federal budget requested and the project's proposed start and end date. This should be the only information on the title page.

Abstracts must include the material indicated below. The information provided in items 1 through 5 is not to exceed ten pages. Abstracts will be scored using criteria 1 through 5, maximum points 100.

1. Objectives and Need for Assistance

Clearly identify the physical, economic, social, financial, institutional, and/or other problem(s) requiring a solution. The need for assistance must be demonstrated and the principal and subordinate objectives of the project must be clearly stated; supporting documentation, such as letters of support and testimonials from concerned interests other than the applicant, may be included. Any relevant data based on planning studies should be included or referred to in the endnotes/footnotes. Incorporate demographic data and participant/beneficiary information, as needed. In developing the project description, the applicant may volunteer or be requested to provide information on the total range of projects currently being conducted and supported (or to be initiated), some of which may be outside the scope of the program announcement.

2. Approach

Outline a plan of action that describes the scope and detail of how the proposed work will be accomplished. Account for all functions or activities identified in the application. Cite factors that might accelerate or decelerate the work and state your reason for taking the proposed approach rather than others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement.

Provide quantitative monthly or quarterly projections of the accomplishments to be achieved for each function or activity in such terms as the number of people to be served and the number of activities accomplished. For example, describe the tasks needed to accomplish the proposed project planning in Phase 2 and implementation in Phase 3 and any relevant data source to support the work. When activities and functions cannot be quantified, list them in chronological order to show the schedule of accomplishments and their target dates.

If any data is to be collected, maintained, and/or disseminated, clearance may be required from the U.S. Office of Management and Budget (OMB). This clearance pertains to any ''collection of information that is conducted or sponsored by ACF.''

List organizations, cooperating entities, consultants, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.

3. Results or Benefits Expected

Identify the results and benefits to be derived.

4. Organizational Profiles

Provide information on the applicant organization(s) and cooperating partners such as organizational charts, financial statements, audit reports or statements from CPAs/Licensed Public Accountants, Employer Identification Numbers, names of bond carriers, contact persons and telephone numbers, child care licenses and other documentation of professional accreditation, information on compliance with Federal/State/local government standards, documentation of experience in the program area, and other pertinent information. Any non-profit organization submitting an application must submit proof of its non-profit status in its application at the time of submission.

The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in section 501(c)(3) of the IRS code, *or* by providing a copy of the currently valid IRS tax exemption certificate, *or* by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

5. Budget and Budget Justification

Provide line item detail and detailed calculations for each budget object class identified on the Budget Information form. Detailed calculations must include estimation methods, quantities, unit costs, and other similar quantitative detail sufficient for the calculation to be duplicated. The detailed budget must also include a breakout by the funding sources identified in Block 15 of the SF–424.

Provide a narrative budget justification that describes how the categorical costs are derived. Discuss the necessity, reasonableness, and allocability of the proposed costs.

Part IV. The Review Process

An independent review panel will review and score all abstracts that are submitted by the deadline date and which meet the screening criteria (all information and in formats required by this Announcement). The panel will review the abstracts using the evaluation criteria listed below to score each abstract. The review results will be the primary elements used by the Commissioner, ACYF, in making decisions regarding request for a full application submission. In addition, ACYF may also obtain comments on abstracts from other Federal or State staff, specialists, and experts.

Subsequently, when applications for planning grants are solicited from successful applicants in the abstract phase, an independent review panel will again review and score all planning grant applications submitted utilizing criteria 1 through 5, listed below, maximum 100 points.

1. Objectives and Need for Assistance (30 points)

The goals and objectives must address one of the stated priorities or another relevant area and clearly state the expected outcomes. The proposed project must substantiate its capacity to improve the quality and effectiveness of local Head Start program services.

2. Approach (25 points)

The design of the approach must identify the tasks necessary to carry out the project in ways that will accomplish quantifiable high quality results in Phase 2, planning, and Phase 3, implementation.

3. Results or Benefits Expected (20 points)

Conceptualize the proposed work and discuss the relevance of the proposed work to the purposes of this announcement and the priority or other areas selected. Clearly articulate the anticipated benefits to the Head Start community.

4. Organizational Profiles (15 points)

Information must be provided on the capacity of the offeror to implement the proposed plan. The relevant experience and proposed roles of key staff and other individuals proposed must be included. In addition, a reflection of community commitment is required. Provide a biographical sketch for each key person appointed and a job description for each vacant key position. A biographical sketch will also be required for new key staff as appointed.

Other individuals must be identified with a brief description of their relevancy and an indication of the tasks or activities for which they will be primarily responsible. Corporate capacity and community commitment are also to be addressed.

5. Budget and Budget Justification (10 points)

Applicants must provide an estimate of the total proposed budget (planning and implementation), including information about other funding sources. The budget must be reasonable for the proposed scope of work. Budget narrative is not required with the abstract. Only those invited to submit a complete Phase 2 planning proposal will need to prepare a detailed budget narrative for the proposed Phase 2 and 3 work.

Applicable Administrative Regulations

Applicable administrative regulations include 45 CFR part 74, Administration of Grants, for non-profit agencies; and 45 CFR part 92, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

Post-Award Reporting Requirements

Post award reporting requirements include submission of quarterly programmatic and budget reports.

Estimate of Schedule

ACYF anticipates that abstracts will be reviewed and selected applicants notified to submit full planning proposals approximately 60 days following the deadline for submission of abstracts. We expect that full planning proposals will be required to be submitted within 45 days of the date of the notification letter informing the applicant that their abstract has been accepted.

Paperwork Reduction Act of 1995 (Pub. L. 104–13)

Public reporting burden for this collection of information is estimated to average 10 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed and reviewing the collection information.

The project description is approved under OMB control number 0970–0139 which expires 12/31/2003. 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.

Required Notification of the State Single Point of Contact

This program is covered under Executive Order 12372, Intergovernmental Review of Federal Programs, and 45 CFR part 100, Intergovernmental Review of Department of Health and Human Services Program and Activities. Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

All States and Territories except Alabama, Alaska, Colorado, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, New York, Ohio, Oklahoma, Oregon, Palau, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, and Washington have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applicants from these 24 jurisdictions need take no action regarding E.O. 12372. Applicants for projects to be administered by Federally recognized Indian tribes are also exempt from the requirements of E.O. 12372. Otherwise, applicants should contact their SPOCs as soon as possible to alert them of the prospective applications and receive any necessary instructions. Applicants must submit any required material to the SPOCs as soon as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or the date of contact if no submittal is required) on the Standard Form 424, item 16a.

Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application deadline to comment on proposed new or competing continuation awards.

SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations.

Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which may trigger ‘‘the accommodate or explain’’ rule. When SPOC comments are submitted directly to ACYF, they should be addressed to: William Wilson, ACYF's Office of Grants Management, Room 2220, Switzer Building, 330 C Street, SW., Washington, DC 20447. A list of the Single Points of Contact for each State and Territory can be found on the Web site *http://www.whitehouse.gov/omb/grants/spoc.html.*

Dated: March 5, 2003.

Joan E. Ohl,

Commissioner, Administration on Children, Youth and Families.

[FR Doc. 03–5721 Filed 3–10–03; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Statement of Organization, Functions, and Delegations of Authority

This notice amends Part K of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (DHHS), Administration for Children and Families (ACF) as follows: Chapter KR, the Office of Refugee Resettlement (ORR), as last amended, July 15, 2002. This notice reflects the establishment of a new Division to incorporate the functions under the immigration laws of the United States, with respect to the care of unaccompanied alien children that were vested by statute in, or performed by, the Commissioner of the Immigration and Naturalization Service which were transferred to the Office of Refugee Resettlement by the Homeland Security Act of 2002, Public Law 107–296.

1. This Chapter is amended as follows:

A. *KR.10 Organization.* Delete in its entirety and replace with the following:

KR.10 Organization. The Office of Refugee Resettlement is headed by a Director who reports directly to the Assistant Secretary for Children and Families and consists of: Office of the Director (KRA), Division of Refugee Assistance (KRE), Division of Community Resettlement (KRF), Division of Budget, Policy and Data Analysis (KRG), Division of Unaccompanied Children's Services (KRH).

B. Delete KR.20 Functions, Paragraph A, Office of the Director in its entirety and replace with the following:

KR.20 Functions. A. The Office of the Director is directly responsible to the Assistant Secretary for Children and Families for carrying out ORR's mission and providing guidance and general supervision to the components of ORR. The Office provides direction in the development of program policy and budget and in the formulation of salaries and expense budgets. Staff also provide administrative and personnel support services. The Office is responsible for implementing certain provisions of the Trafficking Victims Protection Act.

The Office coordinates with the lead refugee and entrant program offices of other federal departments; provides leadership in representing refugee and entrant programs, policies and administration to a variety of governmental entities and other public and private interests; and acts as the coordinator of the total refugee and entrant resettlement effort for ACF and the Department. The Office coordinates the certification of, and services to, victims of severe forms of trafficking. It also coordinates with other Federal government agencies on certification activities and policy issues related to the trafficking law. In consultation with appropriate juvenile justice professionals and Federal immigration services and border security agencies, the Director makes placement determinations and coordinates care and placement services for unaccompanied alien children who are in Federal custody by reason of their immigration status.

C. Establish KR.20 Functions, Paragraph E, the Division of Unaccompanied Children's Services.

E. The Division of Unaccompanied Children's Services develops programs and guidance for the coordination and implementation of care and placement services for unaccompanied alien children who are in Federal custody by reason of their immigration status. The Division recommends placement determinations to the Director in consultation with appropriate juvenile justice professionals and Federal immigration services and border security agencies. The Division ensures consideration of the child's best interest in care and custody decisions. It implements placement decisions, develops facilities for care through grants and contracts, and utilizes the foster care system in place for unaccompanied refugee children. The Division, working with other Federal agencies, reunites children with a parent abroad in appropriate cases. The Division conducts investigations and inspections of facilities and placement locations in which unaccompanied children reside. The Division compiles, and updates at least annually, a state-by-state list of professionals or entities qualified to provide the children guardian and attorney representation services. The Division prepares a plan to be submitted to Congress on how to ensure timely appointment of such representation. The Division also maintains statistical information and data on each child, and any actions concerning the child taken by relevant Federal entities while the child is under the Director's care.

Dated: February 28, 2003.

Tommy G. Thompson,

Secretary.

[FR Doc. 03–5720 Filed 3–10–03; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 03F–0048]

BASF Corp.; Filing of Food Additive Petition (Animal Use)—Conjugated Linoleic Acid

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that BASF Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of conjugated linoleic acid in animal feed.

DATES: Submit written or electronic comments by May 26, 2003.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to http://www.fda.gov/dockets/ecomments.

FOR FURTHER INFORMATION CONTACT: Sharon A. Benz, Center for Veterinary Medicine (HFV–228), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–6656, e-mail: sbenz@cvm.fda.gov.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a food additive petition (FAP 2250) has been filed by BASF Corp., 3000 Continental Dr.-North, Mount Olive, NJ 07828–1234. The petition proposes to amend the food additive regulations in part 573 *Food Additives Permitted in Feed and Drinking Water of Animals* (21 CFR part 573) to provide for the safe use of conjugated linoleic acid (CLA) as a source of fatty acids in swine diets at levels not to exceed 1 percent in complete feed.

The potential environmental impact of this action is being reviewed. To encourage public participation consistent with regulations issued under the National Environmental Policy Act (40 CFR 1501.4(b)), the agency is placing the environmental assessment submitted with the petition that is the subject of this notice on public display at the Dockets Management Branch (see **ADDRESSES**) for public review and comment.

Interested persons may submit to the Dockets Management Branch (see **ADDRESSES**) written or electronic comments regarding this document. Submit a single copy of electronic comments to http://www.fda.gov/dockets/ecomments or two hard copies of any written comments, except that individuals may submit one hard copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday. FDA will also place on public display any amendments to, or comments on, the petitioner's environmental information without further announcement in the **Federal Register**. If, based on its review, FDA finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: February 27, 2003.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 03–5641 Filed 3–10–03; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Board of Scientific Advisors, March 3, 2003, 8 a.m. to March 4, 2003, 1 p.m. Building 31, C Wing, 6th Floor, Conference Room 10, 9000 Rockville Pike, Bethesda MD 20892 which was published in the **Federal Register** on February 5, 2003, 68 FR 5901.

This meeting is amended to change the time of the open session of the Joint Meeting of the NCI, Board of Scientific Advisors and NCI Board of Scientific Counselors on March 3, 2003 from 8 a.m. to 10:45 a.m. The meeting was originally scheduled to be held from 8 a.m. to 10:15 a.m.

Dated: March 3, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–5686 Filed 3–10–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel, Model Organism Database Review.

Date: March 25, 2003.

Time: 11:30 a.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Bldg 31, Bethesda, MD 20892. (Telephone conference call.)

Contact Person: Ken D. Nakamura, PhD, Scientific Review Administrator, Office of

Scientific Review, National Human Genome Research Institute, National Institutes of Health, Bethesda, MD 20892. 301 402–0838.
(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: March 3, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–5675 Filed 3–10–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institutes of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, Collaborative Research for the Development of Vaccines, Adjuvants, Therapeutics, Immunotherapeutics, and Diagnostics for Biodefense.

Date: March 24–26, 2003.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Marriott Washington Center, 9751 Washington Boulevard, Gaithersburg, MD 20878.

Contact Person: Gregory P. Jarosik, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, 6700B Rockledge Drive, MSC–7616, Bethesda, MD 20892. 301–496–2550. *gjarosik@niaid,nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 27, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–5676 Filed 3–10–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, In Vitro Antiviral Screening Program Part C: Herpes Viruses and Respiratory Viruses.

Date: March 26, 2003.

Time: 8:30 a.m. to 7:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburg, MD 20878.

Contact Person: Vassil St. Georgiev, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID/NIH/DHHS, Room 2102, 6700–B Rockledge Drive, MSC 7616, Bethesda, MD 20892. 301–496–2550. *vg8q@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 27, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–5677 Filed 3–10–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, ''Technologies for Proteomic Analysis in the Nervous System''.

Date: March 12, 2003.

Time: 1:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852. (Telephone conference call.)

Contact Person: Eric Zatman, Contract Review Specialist, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 3158, MSC 9547, Bethesda, MD 20892–9547. (301) 435–1438.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse Research Programs, National Institute of Health, HHS)

Dated: February 27, 2003

LaVerne Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–5678 Filed 3–10–03; 8:45 am]

BILLING CODE 7140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel, Concept Review of Specialized Centers.

Date: March 10, 2003.

Time: 2 p.m. to 3 p.m.

Agenda: To provide concept review of proposed concept review.

Place: National Institutes of Health, Building 31, 31 Center Drive, Bethesda, MD 20892, (Telephone conference call).

Contact Person: J. Ricardo Martinez, Associate Director for Program Development, Office of the Director, National Institute of Dental & Craniofacial Research, 31 Center Drive, Bldg. 31, Rm. 5B55, Bethesda, MD 20892.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.3

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: February 27, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–5679 Filed 3–10–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institutes of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel, Research Integrity RFA.

Date: March 20–21, 2003.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard by Marriott-San Diego Downtown, 530 Broadway, San Diego, CA 92101.

Contact Person: Phillip F. Wiethron, Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd, Suite 3208, MSC 9529, Bethesda, MD 20892–9529, (301) 496–5388.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Reserach Related to Neurological Disorders; 93.854, Biological Research in the Neurosciences, National Institutes of Health, HHS)

Dated: February 27, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–5680 Filed 3–10–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 5552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, RFP–NIH–NIAID–DMID–03–08: ''Clinical Trials for Antiviral Therapies''.

Date: March 11, 2003.

Time: 3 p.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: 6700B Rockledge Drive, Room 2151, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Edward W Schroder, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2156, 6700–B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, 301–496–2550.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 3, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–5681 Filed 3–10–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institutes of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Formulation of Rational Therapy of Nephrolithiasis.

Date: April 9, 2003.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 2630 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Maxine A. Lesniak, PHM, Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 756, 6707 Democracy Boulevard, National Institute of Health, Bethesda, MD 20892–6600, (301) 594–7792. *lesniakm@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Small Clinical Research Grants in Digestive Diseases and Nutrition.

Date: April 14, 2003.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Old Town Alexandria, 1767 King Street, Alexandria, VA 22314.

Contact Person: Carolyn Miles, PhD., Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 755, 6707 Democracy Boulevard, National Institute of Health, Bethesda, MD 20892. (301) 594–7791. *milesc@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Kidney Disease.

Date: April 17, 2003.

Time: 8:30 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda marriott Suites, 6711 Democracy Boulevard, Bethesdsa, MD 20817.

Contact Person: Paul A. Rushing, PhD., Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 747, 6706 Democracy Boulevard, National Institute of Health, Bethesda, MD 20892. (301) 594–8895. *rushingp@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.484, Digestive Diseases and Nutrition Research; 93.849 Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: February 27, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–5683 Filed 3–10–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel, Brain Imaging and Cognition.

Date: March 13–14, 2003.

Time: 6 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Belvedere Hotel, 319 West 48th Street, New York, NY 10036.

Contact Person: Arthur D. Schaerdel, DVM, The Bethesda Gateway Building, 7201 Wisconsin Avenue Suite 2C212, Bethesda, MD 20892. (301) 496–9666.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Aging Special Emphasis Panel, Aging and Atherosclerosis.

Date: March 19, 2003.

Time: 9: a.m. to 11 a.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Ave., Suite 2C212, Bethesda, MD 20892. (Telephone conference call.)

Contact Person: Ramesh Vemuri, PhD, National Institute on Aging, The Bethesda Gatewary Building, 7201 Wisconsin Avenue., Suite 2C212, Bethesda, MD 20892. 301–402–7700. *rv23r@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Aging Special Emphasis Panel, Oxidation and the Proteomics of Aging.

Date: March 31–April 1, 2003.

Time: 7 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Radisson Hotel Metrodome, 615 Washighton Avenue, SE., Minneapolis, MN 55414.

Contact Person: Alessandra M. Bini, PhD, Health Scientist Administrator, Scientific Review Office, National Institute on Aging, National Institutes on Health, 7201 Wisconsin Avenue, Bethesda, MD 20892. 301–402–7708. *binia@nia.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: March 3, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–5684 Filed 3–10–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Deafness and Other Communications Disorders Special Emphasis Panel, Research Core Centers.

Date: March 28, 2003.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6120 Executive Blvd., Rockville, MD 20852.

Contact Person: Ali A. Azadegan, DVM, PhD, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research, NIDCD, NIH, EPS–400C, 6120 Executive Blvd., MSC 7180, Bethesda, MD 20892–7180. (301) 496–8683. *azadegan@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: March 3, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–5685 Filed 3–10–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: AIDS and Related Research Integrated Review Group, AIDS and Related Research 7.

Date: March 10–11, 2003.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Governor's House Hotel, 1615 Rhode Island Avenue, NW., Washington, DC 20036.

Contact Person: Theresa M. Montini, PhD, Scientific Review Administrator, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, RM: 5220 MSC: 7852, Bethesda, MD 20892, 301–435–1775, *montinit@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, SEP to Accommodate Overflow of AARR–7.

Date: March 10–11, 2003.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Governor's House Hotel, 1615 Rhode Island Avenue, NW., Washington, DC 20036.

Contact Person: Ranga V. Srinivas, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5222, MSC 7852, Bethesda, MD 20892, (301) 435–1167, *srinivar@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Neuro-SBIR.

Date: March 13, 2003.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn Washington DC Franklin Square, 815 14th Street, NW., Washington, DC 20005.

Contact Person: Michael A. Lang, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5210, MSC 7850, Bethesda, MD 20892, (301) 435–1265.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Predoctoral Fellowships for Minority Students & Students with Disabilities.

Date: March 14, 2003.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: One Washington Circle Hotel, One Washington Circle, Washington, DC 20037.

Contact Person: Michael H. Sayre, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5128, MSC 7840, Bethesda, MD 20892, (301) 435–1219.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Mammalian Genetics.

Date: March 14, 2003.

Time: 3 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, 2212, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Camilla E. Day, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2212, MSC 7890, Bethesda, MD 20892, (301) 435–1037, *dayc@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Special Review in Human Genetics.

Date: March 17, 2003.

Time: 2 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Room 2212, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Camilla E. Day, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2212, MSC 7890, Bethesda, MD 20892, (301) 435–1037, *dayc@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, AIDS Molecular and Cellular Biology.

Date: March 19, 2003.

Time: 3 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Ranga V. Srinivas, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5222, MSC 7852, Bethesda, MD 20892, (301) 435–1167, *srinivar@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Integrative, Functional & Cognitive Neurosciences Fellowships.

Date: March 20, 2003.

Time: 7:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Select Bethesda, 8120 Wisconsin Ave, Bethesda, MD 20814.

Contact Person: Gamil C. Debbas, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5170, MSC 7844, Bethesda, MD 20892, (301) 435–1018, *debbasg@csr.nih.gov.*

Name of Committee: AIDS and Related Research Integrated Review Group, AIDS and Related Research 5, NEDC, NeuroAIDS, End Organ Diseases, Drug Abuse and Comorbidity Factors.

Date: March 20–21, 2003.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Latham Hotel, 3000 M Street, NW, Washington, DC 20007.

Contact Person: Abraham P. Bautista, PhD, Scientist Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5102, MSC 7852, Bethesda, MD 20892, (301) 435–1506, *bautista@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Ethical, Legal and Social Implications of Genetics.

Date: March 20–21, 2003.

Time: 8:30 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Rudy O. Pozzatti, PhD, Scientific Review Administrator, Scientific Review Branch, National Human Genome Research Institute, National Institutes of Health, Building 31, Room B2B37, Bethesda, MD 20892–2032, 301 402–0838, *pozzattr@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, SSS–5 (15) Small Business Orthopaedic Medicine.

Date: March 20–21, 2003.

Time: 10 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: One Washington Circle Hotel, One Washington Circle, Washington, DC 20037.

Contact Person: Paul D. Wagner, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4108, MSC 7814, Bethesda, MD 20892, (301) 435–6809, *wagnerp@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Molecular Mechanisms of Cell Differentiation and Development.

Date: March 20, 2003.

Time: 2 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Michael H. Sayre, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5128, MSC 7840, Bethesda, MD 20892, (301) 435–1219.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Memory and Aging.

Date: March 20, 2003.

Time: 2 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Jeffrey W. Elias, PhD, Scientific review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3170, MSC 7848, Bethesda, MD 20892, (301) 435–0913, *eliasj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Peptide Drug Transport.

Date: March 20, 2003.

Time: 3 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Gordon L. Johnson, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4136, MSC 7802, Bethesda, MD 20892, (301) 435–1212.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict Review on Primate Behavior and Communication.

Date: March 21, 2003.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Cheri Wiggs, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health 6701 Rockledge Drive, Room 3180, MSC 7848, Bethesda, MD 20892, (301) 435–1261.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 HEM–1(02)M: Heart Development.

Date: March 21, 2003.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Robert T. Su, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4134, MSC 7802, Bethesda, MD 20892, (301) 435–1195, *sur@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Visual System SBIR–STTR.

Date: March 24–25, 2003.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Ave., NW, Washington, DC 20037.

Contact Person: Sherry L Stuesse, PhD, Scientific Review Administrator, Division of Clinical and Population-Based Studies, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5188, MSC 7846, Bethesda, MD 20892, 301–435–1785, *stuesses@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Stigma and Global Health: HIV/AIDS and Other Infectious Diseases.

Date: March 24–25, 2003.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Ave., NW, Washington, DC 20037.

Contact Person: Mariela Shirley, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4112, MSC 7848, Bethesda, MD 20892, 301–435–3554, *shirleym@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 PTHB 06M.

Date: March 24, 2003.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Martin L. Padarathsingh, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6212, MSC 7848, Bethesda, MD 20892, 301 435–1717.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Genetic Aberrations.

Date: March 25, 2003.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Victor A. Fung, PhD, Scientific Review Administrator, Oncological Sciences Initial Review Group, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6178, MSC 7804, Bethesda, MD 20814–9692, 301–435–3504, *vf6n@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Visual System SBIR–STTR.

Date: March 25, 2003.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Ave., NW, Washington, DC 20037.

Contact Person: Sherry L Stuesse, PhD, Scientific Review Administrator, Division of Clinical and Population-Based Studies, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5188, MSC 7846, Bethesda, MD 20892, 301–435–1785, *stuesses@@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict Review on Language Development.

Date: March 25, 2003.

Time: 3 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Maribeth Champoux, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3116, MSC 7848, Bethesda, MD 20837, 301–435–4467, *champoum@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.893, National Institutes of Health, HHS)

Dated: February 27, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–5682 Filed 3–10–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, March 11, 2003, 10 a.m. to March 11, 2003, 2 p.m., which was published in the **Federal Register** on February 28, 2003, 68 FR 9700–9703.

The meeting will be held at One Washington Circle Hotel, One Washington Circle, NW., Washington, DC 20037. The meeting date and time remain the same. The meeting is closed to the public.

Dated: March 3, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–5687 Filed 3–10–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Advisory Committee on Research on Women's Health.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Advisory Committee on Research on Women's Health.

Date: April 7–8, 2003.

Time: April 7, 2003, 9 am to 5 pm.

Agenda: To provide advice to the Office of Research on Women's Health (ORWH) on appropriate research activities with respect to women's health and related studies to be undertaken by the national research institutes; to provide recommendations regarding ORWH activities; to meet the mandates of the office; and for discussion of scientific issues.

Place: National Institutes of Health; Building 31, 31 Center Drive, Bethesda, MD 20892.

Time: April 8, 2003, 9 am to 12 pm.

Agenda: To provide advice to the Office of Research on Women's Health (ORWH) on appropriate research activities with respect to women's health and related studies to be undertaken by the national research institutes; to provide recommendations regarding ORWH activities; to meet the mandates of the office; and for discussion of scientific issues.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Joyce Rudick, Director, Programs & Management, Office of Research on Women's Health, Office of the Director, National Institutes of Health, Building 1, Room 201, Bethesda, MD 20892, 301/402–1770.

Information is also available on the Institute's/Center's home page: www4.od.nih.gov/orwh/, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program, National Institutes of Health, HHS)

Dated: March 3, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–5668 Filed 3–10–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: Protein/Peptide Biotherapeutics for the Treatment of HIV Infections

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 National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of an exclusive license to practice the invention embodied in a United States Patent Application filed February 11, 2003 (DHHS Reference No. E–236–2002/0), entitled ''Design of a Novel Peptide Inhibitor of HIV Fusion that Disrupts the Internal Trimeric Coiled-coil of gp41,'' to Virosys Pharmaceuticals, Inc., having a place of business in Redwood Shores, CA. The patent rights in this invention have been assigned to the United States of America.

DATES: Only written comments and/or application for a license which are received by the NIH Office of Technology Transfer on or before June 9, 2003, will be considered.

ADDRESSES: Requests for a copy of the patent application, inquiries, comments and other materials relating to the contemplated license should be directed to: Sally Hu, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; Email: *hus@od.nih.gov*; Telephone: (301) 435–5606; Facsimile: (301) 402–0220.

SUPPLEMENTARY INFORMATION: This invention provides a peptide derived from the sequence of the N-terminal helix (residues 546–581) of the gp41ectodomain of HIV–1. The peptide, called $N36^{Mut(e.g)}$, contains nine substitutions and disrupts interactions with the C-terminal region of the gp41 ectodomain. $N36^{Mut(e.g)}$ inhibits HIV-envelope mediated cell fusion about 50-fold more effectively than the native sequence (residues 546–581 of HIV–1 envelope) from which it was derived. Thus, $N36^{Mut(e.g.)}$ and derivatives has potential as an anti-HIV therapeutic agent as a HIV fusion inhibitor.

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 90 days from the date of this published Notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

The field of use may be limited to development of protein/peptide biotherapeutics for the treatment of HIV infections.

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: February 27, 2003.

Steven M. Ferguson,

Acting Director, Division of Technology Development and Transfer, Office of Technology Transfer.

[FR Doc. 03–5689 Filed 3–10–03; 8:45 am]

BILLING CODE 4140–01–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: Human Monoclonal Antibody Biotherapeutics for the Treatment of HIV Infections

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 National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of an exclusive license to practice the invention embodied in United States Patent Application 60/329,709 filed October 16, 2001 and its foreign equivalents, entitled ''Novel Broadly Reactive HIV-Neutralizing Human Antibody Against Receptor-Induced Epitope on gp120,'' to Virosys Pharmaceuticals, Inc., having a place of business in Redwood Shores, CA. The patent rights in this invention have been assigned to the United States of America.

DATES: Only written comments and/or application for a license which are received by the NIH Office of Technology Transfer on or before May 12, 2003 will be considered.

ADDRESSES: Requests for a copy of the patent application, inquiries, comments and other materials relating to the contemplated license should be directed to: Sally Hu, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; Email: *hus@od.nih.gov*; Telephone: (301) 435–5606; Facsimile: (301) 402–0220.

SUPPLEMENTARY INFORMATION: This invention provides a novel anti human antibody named X5. The X5 antibody demonstrates promise over other conventional anti-HIV antibodies because this antibody presents a unique binding activity different than its counterparts. It has been established that the very initial stage of HIV–1 entry into cells is mediated by a complex between the virus envelope glycoprotein (Env) such as gp120-gp41, a receptor CD4 and a co-receptor CCR5. This X5 antibody binds to an epitope on gp120 that is induced by interaction between gp120 and the receptor CD4. The X5 antibody also shows strong activity at very low levels (μg/ml concentration). Because it is a human antibody, it can be administered directly into patients so that it is an ideal candidate for clinical trials. Finally, since it has neutralized all virus envelope glycoproteins that were tested against it, the epitope is very conserved and resistance is unlikely to develop. Therefore, this antibody and/or its derivatives are a good candidate for clinical development.

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 60 days from the date of this published Notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

The field of use may be limited to development of human monoclonal antibody biotherapeutics for the treatment of HIV infections.

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: February 27, 2003.

Steven M. Ferguson,

Acting Director, Division of Technology Development and Transfer, Office of Technology Transfer.

[FR Doc. 03–5690 Filed 3–10–03; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4814–N–02]

Notice of Proposed Information Collection: Comment Request, Section 108 Loan Guarantee Program

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date*: May 12, 2003.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Sheila Jones, Reports Liaison Officer, Department of Housing and Urban Development, 451 7th Street, SW., Room 7232, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Paul Webster, Director, Financial Management Division (202) 708–1871 (this is not a toll-free number):

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection 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: Section 108 Loan Guarantee Program.

OMB Control Number, if applicable: 2506–0161.

Description of the need for the information and proposed use: The regulations governing the Section 108 program, at 24 CFR 570.704, outline application requirements. The application is necessary in order to render judgment on the eligibility of the activities proposed to be financed with Section 108 loan guarantee assistance and to ensure that the loan guarantee does not pose a financial risk to the Federal government. Information collected pursuant to the application requirements will be reviewed and analyzed by HUD staff at the Field Office and Headquarters level to determine compliance with statutory requirements on eligibility, compliance with national objectives requirements of the CDBG program, and whether the loan guarantee constitutes and acceptable financial risk to the Federal government.

Agency form numbers, if applicable: Not applicable.

Members of affected public: Units of general local government eligible to apply for loan guarantee assistance under Section 108.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: Section 108 Loan Guarantee Application—

Number of respondents: 90.

Number of responses: 1.

Total annual responses: 90.

Hours per response: 125.

Total: 11,250.

Status of the proposed information collection: Revision of currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: March 5, 2003.

Roy A. Bernardi,

Assistant Secretary for Community Planning and Development.

[FR Doc. 03–5787 Filed 3–10–03; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Wildlife and Plants; 12-month Finding for a Petition To List the Lower Kootenai River Burbot (*Lota lota*) as Threatened or Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 12-month petition finding.

SUMMARY: We, the Fish and Wildlife Service (Service), announce a 12-month finding for a petition to list lower Kootenai River burbot (*Lota lota*), in accordance with the Endangered Species Act of 1973, as amended (Act). After reviewing the best available scientific and commercial information available, we find that the petitioned action is not warranted, because the petitioned entity is not a distinct population segment (DPS) and, therefore, is not a listable entity. We ask the public to submit to us any new information that becomes available concerning the status of or threats to this species. This information will help

us monitor and encourage the conservation of this species.

DATES: The finding announced in this document was made on March 3, 2003. Although further listing action will not result from this finding, we request that you submit new information for this species concerning status or threats whenever it becomes available.

ADDRESSES: You may send data, information, or questions concerning this finding to the Supervisor, Upper Columbia Fish and Wildlife Office, U.S. Fish and Wildlife Service, 11103 E. Montgomery Drive, Spokane, WA 99206. This 12-month finding, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Scott Deeds at the above address (telephone 509/893–8007). Information regarding this finding is available in alternate formats upon request.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(B) of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*), requires that, for any petition seeking to revise the List of Threatened and Endangered Species that contains substantial scientific or commercial information that listing may be warranted, we make a finding within 12 months of the date of receipt on whether the petitioned action is (a) not warranted, (b) warranted, or (c) warranted but precluded by other pending proposals. Such 12-month findings are to be published promptly in the **Federal Register**.

We have made a 12-month finding on a petition to list the lower Kootenai River burbot (*Lota lota*). The petition, dated February 2, 2000, was submitted by American Wildlands and the Idaho Conservation League and was received on February 7, 2000. The petition requests the emergency listing of Kootenai River burbot in Idaho as endangered and designation of critical habitat concurrent with the listing. On September 28, 2001, we published a 90-day finding for lower Kootenai River burbot in the **Federal Register** (66 FR 49608). We found that the petition presented substantial information indicating that listing may be warranted. This 12-month finding is made in accordance with a judicially approved stipulated settlement agreement that requires us to complete a finding by March 1, 2003 (*American Wildlands and Idaho Conservation League* v. *Badgley, Williams, and Norton,* Case No. CV 02–00118BR). This notice constitutes the 12-month finding for the February 7, 2000, petition.

Burbot, also referred to as eelpout, layer, or ling, are a cold-water, bottom-dwelling fish species and are the only freshwater member of the otherwise marine cod family (Gadidae). Burbot are extremely elongate or eel-like. Back body coloration is with marbled and ranges from dark olive to brown, contrasting with brown or black. The sides of the body are lighter than the back, and the belly is yellowish white (Simpson and Wallace 1982). Burbot have a distinguishing single slender barbel on the chin. Burbot may reach 1 meter (39.4 inches) in length, can weigh up to about 8 kilograms (17.6 pounds), and have a life expectancy up to 20 years (McPhail and Paragamian 2000).

Most information suggests that river-spawning burbot prefer low-velocity areas in main channels or in side channels behind deposition bars, with the preferred substrate consisting of fine gravel, sand, and even fine silt (Fabricius 1954 in McPhail and Paragamian 2000; McPail and Paragamian 2000). Spawning is also known to occur in small tributary streams and is generally believed to take place at night (Simpson and Wallace 1982; McPhail and Paragamian 2000).

Female burbot are larger than males and, depending on their size, may produce between 50,000 and 1,500,000 eggs each per spawn (Simpson and Wallace 1982). Burbot are known to occur as annual or alternating year spawners (Arndt and Hutchinson 2000; Evenson 2000). Male burbot typically reach sexual maturity in 3 to 4 years, with females maturing in 4 to 5 years (Bonar *et al.* 1997; Arndt and Hutchison 2000; Eveson 2000). During spawning, burbot typically collect in a large mass referred to as a spawning ball, with one or more females in the center surrounded by many males (Simpson and Wallace 1982; McPhail and Paragamian 2000). There is no site preparation during spawning, and eggs are broadcast into the water column well above the substrate. The eggs are semibuoyant and eventually settle into cracks in the substrate. Newly hatched burbot drift passively in open water until they develop the ability to swim (McPhail and Paragamian 2000). Young burbot initially select shoreline areas among rocks and debris for feeding and habitat security.

Burbot prefer cold water and, during summer months, move to the hypolimnion (lower zone of a thermally stratified lake) areas of lakes or deep water pools of large rivers (Simpson and Wallace 1982). Feeding is mostly done at night, with adult burbot feeding almost exclusively on a fish diet. Young burbot feed on aquatic organisms such as insects, amphipods, snails, and small fish (Simpson and Wallace 1982). Burbot are most active in the winter, during which some populations move great distances to spawn, and are rather sedentary during the non-spawning seasons.

The geographic range of burbot is circumpolar and extends in an almost continuous distribution from the British Isles eastward across Europe and Asia to the Bering Strait (Berg 1949 in McPhail and Paragamian 2000). On the North America side of the Bering Strait, burbot range eastward from the Seward Peninsula in Alaska (McPhail and Lindsey 1970 in McPhail and Paragamian 2000) to New Brunswick on the Atlantic coast (Scott and Crossman 1973).

Burbot were first described in Europe by Linnaeus in 1758 (American Fisheries Society 1991). Burbot in North America, known as *Lota lacustris* (Walbaum), were originally considered to be a separate species from those in Europe, known as *Lota lota* (Linnaeus) (McPhail and Paragamian 2000). Gunther (1862 in McPhail and Paragamian 2000) later reduced all burbot to a single widespread species. Hubbs and Shultz (1941 in McPhail and Paragamian 2000), then argued on the basis of morphological differences, that at least three subspecies existed: *Lota lota lota* in Europe and most of Siberia; *Lota lota lacustris* (also referred to as *Lota lota maculosa*) in eastern North America; and a new subspecies, *Lota lota leptura*, in northwestern North America and eastern Siberia. Pivnicka (1970 in Van Houdt and Volckaert in draft 2002) performed additional morphological analyses of European burbot populations and determined these were apparently the same as the *Lota lota maculosa* form in North America. Pivnicka, therefore, concluded that burbot include two distinct forms: *Lota lota lota*, which occurs from the Volga River system throughout Siberia and Alaska to the Mackenzie River system in Canada, and the populations in the Elbe and Danube River, which lived peripherally to this subspecies; and *Lota lota maculosa*, which occurs in southernmost Canada, the United States, and western Europe. However, many recent authors have not used this subspecies designation and only recognize burbot to the species level (McPhail and Paragamian 2000).

Most species whose preglacial ranges were fragmented by glaciation show geographic patterns in morphology that suggest survival in multiple refugia

(McPhail and Lindsey 1970 in McPhail and Paragamian 2000). This interpretation is supported by recent molecular studies (Taylor and Dodson 1984; Billington and Hebert 1988; Grewe and Hebert 1988; Bernatchez and Dodson 1991; all in McPhail and Paragamian 2000). Chen (1969 in McPhail and Paragamian 2000) demonstrated that burbot from the interior of Alaska (Hubbs and Schultz's *Lota lota leptura*) consistently differ in a number of morphological traits from burbot found elsewhere in North America. These findings, coupled with past morphological studies, suggest that variation in *Lota lota* has geographic patterning and, consequently, treating all burbot as a single entity may be inappropriate (McPhail and Paragamian 2000).

In order to clarify the genetic variation of burbot throughout their wide-ranging distribution, researchers from Belgium initiated a study to test the many hypotheses related to burbot phylogeography. The mitochondrial cytochrome b from 41 populations (18 in North America and 23 in Eurasia) of burbot was sequenced (Van Houdt and Volckaert in draft 2002). Their study observed two distinct phylogroups within the genus *Lota*; a palearctic group distributed from Europe to Northern Canada, and a neararctic group in the remaining parts of North America, with both groups co-occurring in the Great Slave Lakes, Northwest Territories. The distribution pattern of the palearctic group is nearly congruent to that of the subspecies designation previously discussed as *Lota lota lota* (Van Houdt and Volckaert in draft 2002). However, the genetic analyses does not support including burbot that occur in western Europe in the subspecies *Lota lota maculosa*, as previously concluded by Pivnicka. Therefore, the neararctic group of burbot only occur in a portion of North America and are designated as *Lota lota maculosa* (Van Houdt and Volckaert in draft 2002). Within the neararctic phylogroup, three different clades (taxonomic groupings of organisms that share common ancestry) were observed, the presence of which supports the suggested glacial refugia hypothesis for burbot in North America. The three clades are referred to as the Pacific clade, the Missouri clade, and the Mississippi clade (Van Houdt and Volckaert in draft 2002).

Further, Van Houdt (pers. comm., 2002) indicated that burbot in the lower Kootenai River (the lone area sampled from the Pacific clade) are genetically distinct from burbot in the other clades in North America, as well as being genetically distinct from the palearctic group of burbot that occur in northern Canada, Alaska, Europe, and Asia (Van Houdt and Volckaert in draft 2002). However, this distinction was based on a small sample size and is only an indication of the existence of a separate glacial race (Van Houdt, pers. comm., 2002). Furthermore, we have no evidence that the genetic profile of lower Kootenai River burbot is unique relative to other burbot in the neararctic range. It should also be noted that the results of this research do not include samples from all major drainage basins in North America, and that a detailed phylogeographic analysis that determines exact distribution of each glacial race is needed to gain insight with regard to the evolutionary relationship of burbot throughout the neararctic region.

Considering these findings and past morphological findings for burbot that suggest divergence, we determined that recognizing the two subspecies *Lota lota maculosa* and *Lota lota lota* for this finding is appropriate. We therefore evaluated lower Kootenai River burbot as they compare to other burbot in the neararctic region or to *Lota lota maculosa*.

Burbot that occur in the Kootenai River basin exhibit three life history strategies in several isolated groups. The first life history strategy is represented by the lower Kootenai River burbot population, which spends a portion of its life in the South Arm of Kootenay Lake, British Columbia, and then migrates up the Kootenai River during the winter months to spawn in the mainstem river or tributary streams in British Columbia or Idaho (adfluvial life form). The second life history strategy is represented by burbot occurring further upstream in the Kootenai River above Kootenai Falls, which have a fluvial (riverine) life history (Paragamian *et al.* 1999). That is, they migrate within the river and to tributary streams for spawning. We also considered burbot that occur in Lake Koocanusa (a reservoir) to be fluvial, because they evolved with a fluvial life history prior to the construction of Libby Dam. We considered this population to be fluvial because it is currently unclear how readily burbot populations adopt a different life history strategy when faced with changing environmental conditions, and we did not believe it was appropriate to compare naturally occurring adfluvial populations of burbot to burbot that now have some adfluvial characteristics as the result of a human-created reservoir. The third life history strategy is represented by the only known lacustrine (spending entire life cycle in the lake) population in Kootenay Lake, which occurs in the North Arm of Kootenay Lake (Spence 1999). Prior to dramatic declines of burbot in Kootenay Lake, a population was believed to have spawned at the inlet of the West Arm of Kootenay Lake, but this population has completely collapsed and is now believed to be extirpated (Spence 1999; Baxter *et al.* 2002; Colin Spence, MWLAP, pers. comm., 2001; Paragamian, pers. comm., 2000).

Lower Kootenai River burbot spawn during the winter months, and under natural conditions (pre-dam), spawning occurs under ice at temperatures near or below 1 °C (34 °F) (Paragamian *et al.* 2000; Simpson and Wallace 1982). They generally begin migrating up the Kootenai River in November and travel as far as 120 kilometers (km) (75 miles (mi)) to traditional spawning sites (Paragamian 2000). Spawning commences in late January and continues through early February and lasts for only 2 to 3 weeks, as both gamete (egg and sperm) maturation and arrival to spawning sites are highly synchronous (Paragamian 2000; Kozfkay and Paragamian 2002; Arndt and Hutchison 2000; Eveson 2000).

The lower Kootenai River once supported a significant number of burbot, which provided a very important winter fishery to the region. Declines were first documented in the burbot fishery around 1960, but numbers were still considered stable into the early 1970s. However, within only a few years, a dramatic decline in the burbot population was documented. Despite numerous fishing regulations implemented to reduce threats to burbot, their numbers continued to decline almost to extirpation, and the fishery was closed to fishing in the early 1990s. Based on data collected from the autumn of 1995 through the spring of 2000, the population is estimated to consist of roughly 540 adults (Kozfkay and Paragamian 2002).

Under the Act, we must consider for listing any species, subspecies, or, for vertebrates, any distinct vertebrate population segment (DPS) of these taxa if sufficient information exists to indicate that such action may be warranted. To implement the measures prescribed by the Act, we, along with the National Marine Fisheries Service, developed a joint policy that addresses the recognition of DPS for potential listing actions (61 FR 4722). The policy allows for a more refined application of the Act that better reflects the biological needs of the taxon being considered, and avoids the inclusion of entities that do not require its protective measures.

The petitioners requested listing of the Kootenai River burbot as an endangered species throughout its range in the Kootenai River and spawning tributaries in Idaho, on the basis of threats to the population and its potential isolation from the remainder of the taxon. We considered this request because, while we do not base listing decisions on political subdivisions other than international boundaries, we must consider for listing under the Act any population of vertebrate taxa (species or subspecies) if it may represent a DPS. In our 90-day administrative finding for the subject petition (66 FR 49608, September 28, 2001), we recognized that burbot in Idaho are part of a transboundary population, spending a portion of their life cycle in the South Arm of Kootenay Lake and the lower Kootenai River in British Columbia. In addition, the available information indicated that this population segment is separated behaviorally from the only other burbot population remaining in Kootenay Lake's North Arm, primarily because of the populations' to their differing life history strategies. Finally, we recognized that lower Kootenai River burbot do not use the Kootenai River in the segment that runs from a point upstream from approximately Bonners Ferry, Idaho, to just below Kootenai Falls in Montana, because of the presence of naturally unsuitable habitats. Therefore, the geographic area considered for our status review, and addressed by the following DPS analysis, includes the South Arm of Kootenay Lake and the lower Kootenai River from its mouth upstream to Bonners Ferry, Idaho.

In accordance with our DPS policy (61 FR 4722), we use two elements to assess whether a population segment under consideration for listing may be recognized as a DPS. The elements are (1) the population segment's discreteness from the remainder of the species to which it belongs and (2) the significance of the population segment to the species to which it belongs.

Discreteness

Discreteness refers to the separation of a population segment from other members of the taxon based on either (1) physical, physiological, ecological, or behavioral factors or (2) international boundaries that result in significant differences in control of exploitation, habitat management, conservation status, or regulatory mechanisms.

The lower Kootenai River burbot have been historically isolated from the burbot population within the upper Kootenai River by natural barriers, which consist of (1) a narrow canyon with a higher gradient that causes an increased water velocity from approximately Bonners Ferry (river km (rkm) 246 (river mi (rm) 153)) to Kootenai Falls (rkm 310 (rm 193)) and (2) the Kootenai Falls themselves. Downstream movement by burbot over Kootenai Falls is possible; however, none of the more than 400 burbot tagged in Montana above Kootenai Falls have been recaptured downstream in Idaho or British Columbia (Paragamian *et al.* 1999). In contrast, 40 of the 266 burbot tagged in the lower Kootenai River have been recaptured in the same sampling areas (Diane Wakkinen, Idaho Department of Fish and Game, pers. comm., 2002). While not conclusive, if tagged burbot from Montana moved downstream over Kootenai Falls and into the lower Kootenai River, we expect that they would also be recaptured. In addition, isolation of lower Kootenai River burbot from the population above Kootenai Falls is further supported by recent genetic analyses that indicate these two populations differ genetically (Paragamian *et al.* 1999). Even so, our DPS policy does not require absolute reproductive isolation as a prerequisite to recognizing a DPS. Therefore, even if a low level of genetic exchange existed between burbot populations within the Kootenai River basin, it would not necessarily preclude a determination of discreteness.

The available information also indicates that lower Kootenai River burbot are behaviorally different from other burbot populations in the Kootenai River basin due to their adfluvial life history strategy (Northcote 1973; Paragamian *et al.* 1999). The only other known remaining burbot reproduction that occurs within Kootenay Lake is from the remnant lacustrine population in the North Arm (Spence 1999). While mixing of the lacustrine fish and the adfluvial fish may have occurred in the past, the available information suggests that these two burbot populations do not currently interact (Paragamian, pers. comm., 2000; Spence 1999). Telemetry studies of lower Kootenai River burbot indicate that these fish primarily use the delta area near the mouth of the Kootenai River, and no fish have been tracked moving as far north as the West Arm of Kootenay Lake. In addition, telemetry studies of lacustrine burbot indicate that these fish do not distribute throughout the lake, but stay within the area of the North Arm (Paragamian, pers. comm., 2000; Spence 1999).

Spawning time for the lacustrine form of burbot in the North Arm of Kootenay Lake is approximately 1 month later than the adfluvial form in the lower Kootenai River (Spence 1999; Paragamian 2000; Kozfkay and Paragamian 2002). In addition, the burbot that previously occurred in the West Arm of Kootenay Lake were believed to have commenced spawning in April, and spawning may have continued from mid-May to mid-June (Martin 1976 in Redfish Consulting Ltd 1998; Martin 1977 in McPhail and Paragamian 2000). Because both gamete maturation and arrival at spawning sites are known to be highly synchronous in burbot (Arndt and Hutchison 2000; Evenson 2000), it is likely that the disparity in spawning periods between the various populations effectively isolates them reproductively from one another.

Finally, with regard to the remainder of the subspecies' range, Kootenai Falls in Montana forms an upstream barrier to burbot movement, while Bonnington Falls in British Columbia, which is downstream from Kootenay Lake and above the confluence with the Columbia River, forms a downstream barrier. These two barriers have been in place since at least the last period of glaciation (roughly 10,000 years before present).

On the basis of available information, we conclude that the lower Kootenai River burbot is discrete from other populations of the same taxon as a consequence of physical, ecological, and behavioral factors. Therefore, we considered the potential significance of this discrete population to the remainder of the taxon.

Significance

Under our DPS policy, once we have determined that a population segment is discrete, we consider its biological and ecological significance to the larger taxon to which it belongs. This consideration may include, but is not limited to: (1) Evidence of the persistence of the discrete population segment in an ecological setting that is unique for the taxon; (2) evidence that loss of the population segment would result in a significant gap in the range of the taxon; (3) evidence that the population segment represents the only surviving natural occurrence of a taxon that may be more abundant elsewhere as an introduced population outside its historic range; and (4) evidence that the discrete population segment differs markedly in its genetic characteristics from other populations of the species.

As previously discussed, burbot distribution is circumpolar, and burbot are well distributed in North America and northern Eurasia. The species' range in North America includes the majority of mainland Canada, Alaska, and many of the contiguous northern United States. While burbot in North America (*Lota lacustris,* Walbaum) were originally considered a separate species from those in Europe (*Lota lota,* Linnaeus), they have since been reduced to a single species throughout their range. However, the available information supports the recognition of two distinct lineages, or subspecies, which are: the palearctic group of northern Canada, Alaska, and Eurasia (*Lota lota lota*), and the neararctic group in the remainder of North America (*Lota lota maculosa*), which includes the lower Kootenai River burbot. On the basis of available information, we considered the following factors with regard to the potential significance of the lower Kootenai River burbot to the remainder of the nearactic subspecies (*Lota lota maculosa*):

Ecological Setting: Neararctic burbot occupy numerous and varied lake, riverine, and tributary systems throughout their distribution in the northern United States and Canada. At the commencement of our status review for the subject petition, very little information was available regarding the potential uniqueness or unusual nature of the ecological setting occupied by lower Kootenai River burbot in relation to the remainder of the neararctic region. In addition, little such information has since been provided or otherwise obtained during the course of our status review. The petitioners assert that the Kootenai River population of burbot exists in a unique and unusual ecological setting because two genetically distinct populations are in the same river: those that occur in the lower Kootenai River and those that occur in the Kootenai River above Kootenai Falls. However, genetic differences can occur in the absence of unique or unusual ecological settings, and the available information does not indicate that any unique or unusual ecological features have contributed to the genetic differentiation that may be occurring in these burbot. Furthermore, no information is available to indicate that having two genetically distinct populations in the same river basin is unique for this species.

The petitioners further assert that the loss of these burbot would be a loss of a rare population at the southern edge of the species' range and that other Columbia River burbot populations may likewise be at risk of extirpation. We disagree based on the information currently available. First, populations of burbot are still found in Indiana, Kentucky, Ohio, Michigan, Minnesota, South Dakota, Wisconsin, and Wyoming, all of which also represent the southern extent of the species' distribution. Second, currently available information is not sufficient to enable us to determine if other burbot populations within the Columbia River system may be at risk of extirpation.

On the basis of available information, we conclude that burbot likely occupy a wide variety of habitats throughout their range, and that there are no indications of any unique or unusual ecological features within the lower Kootenai River basin. Therefore, we do not currently consider the ecological setting occupied by the discrete population of burbot within the lower Kootenai River as significant to the remainder of the taxon.

Significant Gap in Range: Loss of the lower Kootenai River burbot, as compared to burbot throughout the remainder of the neararctic region, would mean the loss of less than 1 percent of the entire range of the taxon. In addition, when we consider either the historic or current distribution of lower Kootenai River burbot, we determine that loss of this population segment would not isolate one or more otherwise contiguous populations of burbot within the Kootenai River basin. On the basis of the above information, we conclude that loss of the lower Kootenai River burbot would not represent a significant gap in the range of the taxon.

Genetic Characteristics: We reviewed three available studies, in various stages of completion, that address the genetic differentiation of burbot across portions of the taxon's range. One investigated the genetic characteristics of burbot populations within the Kootenai River basin (Paragamian *et al.* 1998), a second addressed genetic differentiation west and east of the continental divide (Dalby, pers. comm., 2002), and a third addressed genetic differentiation of burbot populations across the entire range of the species, and was conducted to help clarify the species' phylogenetic history and potential taxonomic relationships (Van Houdt and Volckaert in draft 2002). All of these investigations identified several common, rare, and/or unique haplotypes, from mitochondrial deoxyribonucleic acid (mtDNA), among burbot populations. In addition, these studies indicate that haplotype frequencies and the level of genetic diversity likely also vary among the local and regional populations of burbot sampled. Finally, these studies indicate that geographic patterning in the genetic profiles of burbot are apparent and consistent with known or suspected glacial refugia.

The results suggest that genetic differences between burbot populations in this region may be occurring. The referenced studies rely on relatively limited sample sizes and lack information from key population segments and/or other major drainages occupied by neararctic burbot. Therefore, these investigations are likely to be confounded by the effects of small population size, genetic drift, and/or sampling bias, and the differentiation patterns noted may similarly reflect the potential negative consequences of isolation, range contraction, and/or recent significant declines of local burbot populations. As such, to what extent the forces of isolation, adaptive change, genetic drift, and/or inbreeding may have influenced the genetic profiles of neararctic burbot populations, including those that remain within the Kootenai River basin, is uncertain. Results of the genetic studies further demonstrate the discreteness of the lower Kootenai River burbot; however, they do not indicate that genetic differentiation of this population segment is significant to the remainder of the taxon. No information at this time concludes that the genetic difference that is presented in the studies is anything more than what would be expected from such a wide-ranging species. More comprehensive behavioral, morphological, ecological, and genetic studies of burbot are needed to help clarify whether the currently observed differences may be significant to the evolutionary legacy of the neararctic taxon.

Life History/Behavior: As previously discussed, the lower Kootenai River burbot does exhibit a different adfluvial life history strategy compared to other locally known neararctic burbot populations. For example, lower Kootenai River burbot travel greater distances to traditional spawning sites (greater than 100 km (62 mi)) than other known adfluvial burbot, which typically travel between 1 and 25 km (0.6 and 15.5 mi). In addition, lower Kootenai River burbot begin their migration 2 to 3 months prior to spawning and spawn at least 1 month earlier than other burbot populations within the Kootenai River basin. However, their spawning time occurs within the wide range of spawning periods observed throughout the entire range of burbot. Given the circumpolar distribution of the neararctic burbot, it is likely that a wide range of behavioral differences are exhibited within the species range. Since it is unclear how pliable burbot behavioral patterns may be, and how readily, or whether, burbot populations may adopt a different life history strategy when faced with changing environmental conditions. However, because we currently have very little information addressing the life history and behavioral patterns of other burbot populations throughout the nearactic region, and specifically the relative importance of the adfluvial life history strategy, we do not know if these behaviors are unique to the species as a whole.

On the basis of available information, we determined that the life history and behavioral characteristics of lower Kootenai River burbot do make it discrete from other burbot populations in the local area, but, pursuant to our DPS policy, do not make it significant to the remainder of the taxon, as we have little information to indicate these characteristics are unique to the rest of the taxon.

Consequently, following a review of the available information, we conclude that the population segment of lower Kootenai River burbot is not significant to the remainder of the taxon. We made this determination because there is no evidence that: (1) This population segment persists in an ecological setting that is unique for the taxon; (2) the loss would result in a significant gap in the range of the taxon; or (3) this population segment differs markedly from other populations of the species in its genetic characteristics. Further, we do not have sufficient information to indicate that the life history and behavioral characteristics of this population segment are unique to the taxon. Furthermore, we acknowledge that, while the precise biological and ecological importance of a discrete population segment is likely to vary considerably from case to case, we were unable to identify any additional classes of information that might bear on the biological and ecological importance of this discrete population segment.

Finding

We have assessed the best scientific and commercial information available regarding the discreteness and significance of lower Kootenai River burbot. We reviewed the petition, information available in our files, and other published and unpublished information submitted to us during the public comment period following our 90-day petition finding, and we consulted with recognized burbot experts and other Federal and State resource agencies. On the basis of the best scientific and commercial information available, we conclude that the lower Kootenai River burbot does not represent a DPS, and is therefore not a listable entity. Our review did indicate that the lower Kootenai River burbot is discrete from other burbot populations, but was not significant to the remainder of the taxon. This finding is primarily based on a lack of sufficient evidence to demonstrate that lower Kootenai River burbot have marked genetic, ecological, or behavioral differences when compared with the remainder of the neararctic subspecies. As such, we find that the petitioned action is not warranted.

References Cited

A complete list of all references cited herein is available on request from the Upper Columbia Fish and Wildlife Office (*see* **ADDRESSES**).

Author

The primary author of this document is Scott Deeds (*see* **ADDRESSES**).

Authority

The authority for this action is the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

Dated: March 3, 2003.

Steve Williams,

Director, Fish and Wildlife Service.

[FR Doc. 03–5737 Filed 3–10–03; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Baca National Wildlife Refuge

AGENCY: Fish and Wildlife Service, Department of the Interior.

ACTION: Notice.

SUMMARY: The Director intends to accept the transfer of 3,315 acres of land from the Bureau of Reclamation on April 8, 2003, to establish the Baca National Wildlife Refuge in Alamosa County, Colorado.

DATES: This action will be effective on April 8, 2003.

FOR FURTHER INFORMATION CONTACT: Michael Blenden, Project Leader, Alamosa/Monte Vista National Wildlife Refuge Complex, 9383 El Rancho Lane, Alamosa, Colorado 81101: telephone: 719/589–4021, fax: 719/587–0595, e-mail: *mike_blenden@fws.gov.*

SUPPLEMENTARY INFORMATION: The Director of the U.S. Fish and Wildlife Service has determined that sufficient land is available to establish the Baca National Wildlife Refuge. The Refuge will be administrated in accordance with the National Wildlife Refuge Administration Act of 1966 and the Act of September 28, 1962 commonly known as the Refuge Recreation Act. The establishment of the Refuge will protect water resources; protect and maintain water rights for the protection of monument, park, preserve, and refuge resources and uses; and minimize, to the extent consistent with the protection of national wildlife resources, adverse impacts on other water users.

Authority: This notice is published under the authority of the Great Sand Dunes National Park and Preserve Act of 2000, Pub. L. 106–530, and the National Wildlife Refuge System Administration Act of 1966, as amended (16 U.S.C., 668dd-668ee).

Dated: February 21, 2003.

John A. Blankenship,

Regional Director, Region 6, Denver, Colorado.

[FR Doc. 03–5701 Filed 3–10–03; 8:45 am]

BILLING CODE 4310–55–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701–TA–433 (Preliminary) and 731–TA–1029 (Preliminary)]

Allura Red Coloring From India

AGENCY: International Trade Commission.

ACTION: Institution of countervailing duty and antidumping investigations and scheduling of preliminary phase investigations.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase countervailing duty and antidumping duty investigations Nos. 701–TA–433 (Preliminary) and 731–TA–1029 (Preliminary) under sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 19 U.S.C. 1673b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from India of allura red coloring, provided for in subheading 3204.12.50 of the Harmonized Tariff Schedule of the United States,[1] that are alleged to be subsidized by the Government of India and that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation pursuant to sections 702(c)(1)(B) and 732(c)(1)(B) of the Act (19 U.S.C. 1671a(c)(1)(B) and 19 U.S.C.

[1] The subject product is described for tariff purposes as FD&C Red No. 40.

1673a(c)(1)(B)), the Commission must reach preliminary determinations in countervailing duty and antidumping investigations in 45 days, or in this case by April 18, 2003. The Commission's views are due at Commerce within five business days thereafter, or by April 25, 2003.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's rules of practice and procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

EFFECTIVE DATE: March 4, 2003.

FOR FURTHER INFORMATION CONTACT: Woodley Timberlake (202–205–3188), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server *(http://www.usitc.gov).* The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to a petition filed on March 4, 2003, by Sensient Technologies Corporation, Milwaukee, WI.

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in §§ 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission countervailing duty and antidumping investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Operations has scheduled a conference in connection with these investigations for 9:30 a.m. on March 25, 2003, at the U.S. International Trade Commission Building, 500 E Street, SW., Washington, DC. Parties wishing to participate in the conference should contact Woodley Timberlake (202–205–3188) not later than March 20, 2003, to arrange for their appearance. Parties in support of the imposition of countervailing and antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in §§ 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before March 28, 2003, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference no later than three days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by § 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002).

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

Issued: March 5, 2003.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 03–5759 Filed 3–10–03; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decrees Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on February 13, 2003, four proposed Consent Decrees in *United States* v. *Samson Hydrocarbons Company, et al.* Civil No. 03–1078 DDP (VBKx), were lodged with the United States District Court for the Central District of California.

In this action the United States seeks the recovery of response costs incurred at the Casmalia Resources Hazardous Waste Management Facility (''Site'') pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9601 *et seq.* The United States alleges that the defendants disposed or arranged to dispose of hazardous substances at the Site. The first Consent Decree (the ''Samson Hydrocarbons Consent Decree'') involves 41 private parties and four Federal agencies, and requires these parties to pay $28,553,979. The second Consent Decree (the ''Baumgartner Consent Decree'') involves Baumgartner Oil and Gas Company, Baumgartner Oil Company, and Franklin W. Barmgartner and requires these parties to pay $2,309,085. The third Consent Decree (the ''Crosby Consent Decree'') involves Crosby & Overton, Inc. and requires this party to pay $590,975. The fourth Consent Decree involves Quintana Petroleum Company (the ''Quintana Consent Decree'') and requires this party to pay $480,633. The total value of these settlements is in excess of $31 million.

The Department of Justice will receive, for a period of sixty (60) days from the date of this publication, comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer specifically and individually to the

''Samson Hydrocarbons Consent Decree,'' the ''Baumgartner Consent Decree,'' the ''Crosby Consent Decree,'' or the ''Quantana Consent Decree'' and include the DOJ Ref. 90–7–1–611/5.

The Consent Decrees may be examined at the U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105. During the public comment period, the Consent Decrees may be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/open.html.* Copies of the Consent Decrees may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please specifcy the ''Samson Hydrocarbons Consent Decree,'' the ''Baumgartner Consent Decree,'' the ''Crosby Consent Decree,'' or the ''Quintana Consent Decree.'' Requests should also reference *United States* v. *Samson Hydrocarbons Company et al.,* Civil No. 03–1078 DDP (VBKx) and DOJ Ref. 90–7–1–611/5, respectively, and should enclose a check for each in the amount of $155.25 for the ''Samsom Hydrocarbons Consent Decree,'' $8.50 for the ''Baumgartner Consent Decree,'' $7.75 for the ''Crosby Consent Decree,'' and $8.00 for the ''Quintana Consent Decree'' (25 cents per page reproduction cost) payable to the U.S. Treasury.

Ellen M. Mahan,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 03–5753 Filed 3–10–03; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on March 4, 2003, a proposed Consent Decree in *United States* v. *Lomack Drum Company,* et al., Civil Action No. 1:02CV1805, was lodged with the United States District Court for the Northern District of Ohio.

In this action the United States sought, under section 107 of the Comprehensive Environmental Response, Compensation, and Recovery Act (''CERCLA''), 42 U.S.C. 9607, to recover costs incurred by the United States in connection with the Ohio Drum Superfund Site in Cleveland, Ohio (the ''Site''). The United States also sought a civil penalty and punitive damages for noncompliance with a unilateral administrative order (''UAO'') issued by the United States Environmental Protection Agency (''U.S. EPA''), and a declaratory judgment of liability for future response costs incurred by the United States in connection with the Site.

Under the Consent Decree, Truco, Inc. (''Truco'') would reimburse the United States for $3,500 of the approximately $605,372.57 in unreimbursed response costs incurred by U.S. EPA relating to the Site. Truco also would pay a civil penalty of $3,500 for failure to comply with the UAO. If such payments are not received when due, the Consent Decree provides for a stipulated penalty in the amount of $750 per day. In addition, Truco would covenant not to sue the United States: (a) With respect to Past Response Costs (as defined in the Consent Decree); (b) with respect to the UAO; or (c) with respect to the Consent Decree. In exchange, the United States would covenant not to sue Truco: (a) pursuant to section 107(a) of CERCLA, 42 U.S.C. 9607(a), to recover Past Response Costs; and (b) pursuant to section 106(b)(1) of CERCLA, 42 U.S.C. 9606(b)(1), for its failure to comply with the UAO, with certain reservations. In addition, Truco would receive protection for contribution actions or claims pertaining to Past Response Costs, as provided by section 113(f)(2) of CERCLA, 42 U.S.C. 9613(f)(2).

The Department of Justice will receive for a period of 30 days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Lomack Drum Company,* et al., D.J. Ref. 90–11–2–1300/2.

The Consent Decree may be examined at the Office of the United States Attorney, 1800 Bank One Center, 600 Superior Avenue, East, Cleveland, Ohio 44114–2600, and at U.S. EPA Region V, 77 West Jackson Blvd., Chicago, IL 60604. During the public comment period, the Consent Decree, may also be examined on the following Department of Justice website, *http://www.usdoj.gov/enrd/open.html.* A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, PO Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $5.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

William D. Brighton,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 03–5757 Filed 3–10–03; 8:45 am]

BILLING CODE 7410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Mary Jane Anderson, et al.,* Civil Action No. C03–5107RBL was lodged on February 26, 2003, with the United States District Court for the Western District of Washington. The Consent Decree resolves claims by the United States under the Act, as amended, (''CERCLA''), 42 U.S.C. 9601, *et seq.,* for recovery of past and future response costs from twenty-six parties consisting of companies, individuals and local government agencies associated with the Hylebos Waterway Problem Areas within the Commencement Bay/Nearshore Tideflats Superfund Site (''CB/NT Site'') as identified in the Record of Decision for Operable Unit 01 of the CB/NT Site. The proposed Consent Decree also would resolve potential counterclaims by private parties against five federal agencies for contribution under CERCLA section 113. This consent decree requires the settling parties to pay a total of $15,435,752 to reimburse the United States for costs incurred and to be incurred at the Hylebos Waterway Problem Areas of the CB/NT Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environmental and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Mary Jane Anderson, et al.,* DOJ Ref. #90–11–3–07865.

The proposed consent decree may be examined at the office of the United States Attorney, 601 Union Street, Suite 5100, Seattle, WA 98101 and at U.S. EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101. During the comment period, the consent decree may be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/open.html.* A copy of the consent decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy, please enclose a check in the amount of $16.75 (with attachments) or $15.00 (without attachments) for *United States* v. *Mary Jane Anderson, et al.,* (25 cents per page reproduction cost) payable to the U.S. Treasury.

Robert Maher,

Assistant Section Chief, Environmental Enforcement Section.

[FR Doc. 03–5754 Filed 3–10–03; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Solid Waste Disposal Act

Under 28 C.F.R. § 50.7 notice is hereby given that on February 19, 2003 a proposed Consent Decree (''Decree'') in *United States* v. *Route 109 Service Stations, Inc., et al.,* Civil Action No. CV–98–7406, was lodged with the United States District Court for the Eastern District of New York.

In this action the United States sought civil penalties and injunctive relief for violations of the Underground Storage Tank (''UST'') regulations at 32 facilities located in the Greater New York Metropolitan area. The Decree requires the ten corporate defendants and an individual defendant to pay a civil penalty in the amount of $310,000, remain in compliance with UST regulations, provide a Certification of Compliance within thirty days of entry of the Decree and pay stipulated penalties in the event of noncompliance with any provisions of the Decree.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Route 109 Service Stations, Inc., et al.*, D.J. Ref. 90–7–1–920.

The Decree may be examined at the Office of the United States Attorney, One Pierrepont Plaza, 14th Floor, Brooklyn, New York, and at U.S. EPA Region II, 290 Broadway, New York, New York. A copy of the Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing a request to Tonia Fleetwood, fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy, please enclose a check in the amount of $4.00 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Stanley N. Alpert,

Chief, Environmental Litigation, Assistant U.S. Attorney, Eastern District of New York, One Pierrepont Plaza, Brooklyn, New York 11201.

[FR Doc. 03–5756 Filed 3–10–03; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Bankruptcy Settlement Agreement Under the Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that on February 27, 2003, a proposed Settlement Agreement in IN RE North Lily Mining Company, Inc. a reorganization under Chapter 11 of the Bankruptcy Code in the U.S. Bankruptcy Court for the District of Colorado, Case No. 01–23089–EEB was filed with the Court for confirmation.

In this action the United States sought compensation for response costs from the North Lily Mining Company, Inc. incurred and to be incurred by EPA in connection with the remediation of hazardous substances at the Eureka Mills NPL Site (''Site'') located in central Utah. Under CERCLA section 107(a)(2), 42 U.S.C. 9607(a)(2), EPA alleged that the North Lily Mining Company, Inc., as a past owner and operator of a portion of the Site at the time of disposal, is liable for those response costs incurred by EPA set forth in CERCLA section 107(a)(4)(A)–(D), 42 U.S.C. 9607(a)(4)(A)–(D). In the proposed Settlement Agreement, Paragraph 4, the Debtor ''allows'' the United States' claim of $2,274,780.50 for purposes of the bankruptcy proceeding. Paragraph 5 of the Proposed Agreement provides that the Debtor shall satisfy the United States' claim by providing water and borrow materials as described in Paragraph 6 and 7 for EPA's use during the conduct of remediation at the Site.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Settlement Agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to IN RE North Lily Mining Company, Inc., D.J. Ref. DJ# 90–11–3–07993.

The Settlement Agreement may be examined at U.S. EPA Region 8, 999 18th Street, Suite 500, Denver, Colorado, 80202. During the public commend period, the Settlement Agreement, may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/open.html.* A copy of the Settlement Agreement may also be obtained by mail from the Consent Decree Library, PO Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $1.20.

Robert Brook,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 03–5755 Filed 3–10–03; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: 60-Day notice of information collection under review; revision of a currently approved collection; 2003 Survey of State and Local Law Enforcement Agencies.

The Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. This proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until May 12, 2003.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Cynthia J. Schwimer, Comptroller, 202–307–0623, Office of Justice Programs, U.S. Department of Justice, 810 7th Street, NW., Washington, DC 20531.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the 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 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:

(1) *Type of information collection:* Revision of a currently approved collection.

(2) *The title of the form/collection:* 2003 Survey of State and Local Law Enforcement Agencies.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form numbers will be updated from CJ–38L and CJ–38S to CJ–44L and CJ–44S, Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State, Local or Tribal. Other: None. This information collection is a sample survey of State and local law enforcement agencies. The information will provide statistics on agency personnel, budgets, equipment, and policies and procedures.

(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 3,065 respondents will complete a 2 hour form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated total annual burden hours to complete the data collection is 6,130.

If additional information is required contact: Mrs. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: March 5, 2003.

Brenda E. Dyer,

Department Deputy Clearance Officer, United States Department of Justice.

[FR Doc. 03–5671 Filed 3–10–03; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF JUSTICE

Office of Justice Programs:

Agency Information Collection Activities: Proposed collection; Comments Requested

ACTION: 30-Day Notice of Information Collection Under Review: New Collection; 2002 Census of Publicly Funded Forensic Crime Laboratories.

The Department of Justice (DOJ), Office of Justice Programs 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 67, Number 222, page 69559 on November 18, 2002, allowing for a 60-day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until April 10, 2003. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially 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) 395–7285.

Request 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:* New collection.

(2) *The title of the form/collection:* 2002 Census of Publicly Funded Forensic Crime Laboratories.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is CFCL–1, Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State, Local or Tribal. Other: None. This information collection is a census of public crime laboratories that perform forensic analyses on criminal evidence. The information will provide statistics on laboratories' capacity to analyze forensic crime evidence, the number, types, and sources of evidence received per year, the number, types, and cost of analyses completed.

(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 400 respondents will complete a 1 hour form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total hour burden to complete the data collection is 400 annual burden hours.

If additional information is required contact: Mrs. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1600, Patrick Henry Building, 601 D Street NW., Washington, DC 20530.

Dated: March 5, 2003.

Brenda E. Dyer,

Department Deputy Clearance Officer, United States Department of Justice.

[FR Doc. 03–5672 Filed 3–10–03; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-Day notice of information collection under review: Reinstatement, with change, of a previously approved collection for which approval has expired; fiscal year 2003 State Domestic Preparedness Program.

The Department of Justice (DOJ), Office of Justice Programs 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 67, Number 247, page 78508 on December 24, 2002, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until April 10, 2003. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially 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) 395–7285.

Request 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:* Reinstatement, with change, of a previously approved collection for which approval has expired.

(2) *The title of form/collection:* Fiscal Year 2003 State Domestic Preparedness Program.

(3) *The agency form number, if any, the applicable component of the Department sponsoring the collection:* U.S. Department of Justice (DOJ), Office of Justice Program (OJP), Office for Domestic Preparedness (ODP).

(4) *Affected Public who will be asked or required to respond, as well as a brief abstract: Primary:* Federal Government, State, and Local. Section 1404 of the Defense Against Weapons of Mass Destruction Act of 1998 (Title XIV of Pub. L. 105–261; 50 U.S.C. 2301) as amended by Section 1064 of the National Defense Authorization Act of 2000 (Title X of Pub. L. 106–65; 50 U.S.C. 2301) authorizes the Department of Justice to collect information from state and local jurisdictions to assess the threat and risk of terrorist employment of weapons of mass destruction against cities and other local areas. This data collection will allow states to: (1) Report current jurisdictional needs for equipment, training, exercises and technical assistance; (2) forecast projected needs for this support; and (3) identify the gaps that exist at the jurisdictional level in equipment, training, exercises, and technical assistance that OJP/ODP and other federal funding will be used to address. Additionally, the information collection will guide OJP/ODP and other federal agencies in the formulation of domestic preparedness policies and with the development of programs to enhance state and local first responder capabilities.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* The estimated total number of respondents is 2,059. The data collection being proposed incorporates a terrorist threat and vulnerability assessment, and a needs and capabilities assessment for equipment, training, exercises and technical assistance. Information will be collected by approximately 2,003 local jurisdictions from representatives of law enforcement, fire services, Hazardous Materials response agencies, public safety communications, public health agencies, emergency medical services, public works, government/administrative agencies, health care, and emergency management agencies. In addition, a state administrative agency (SAA) in each state and territory (56 total) will roll-up the data submitted by all of the local jurisdictions in the state or territory and submit this consolidated state information to OJP/ODP. Local jurisdictions completing these assessments may experience an estimated burden of 6 hours to collect, tabulate and input data provided to the state. Once the local information is received by the SAA, the SAA may experience an estimated burden of 4 hours for data input and electronic submission of the data to OJP/ODP.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated total public burden associated with this information collection will be approximately 12,242 hours.

If additional information is required contact: Mrs. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1600, Patrick Henry Building, 601 D Street NW., Washington, DC 20530.

Dated: March 5, 2003.

Brenda E. Dyer,

Department Deputy Clearance Officer, United States Department of Justice.

[FR Doc. 03–5673 Filed 3–10–03; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF LABOR

Office of the Secretary

All Items Consumer Price Index for All Urban Consumers—United States City Average

Pursuant to section 33105(c) of Title 49, United States Code, and the delegation of the Secretary of Transportation's responsibilities under the Act to the Administrator of the Federal Highway Administration (49 CFR, section 501.2(a)(9)), the Secretary of Labor has certified to the Administrator and published this notice in the **Federal Register** that the United States City Average All Items Consumer Price Index for All Urban Consumers (1967=100) increased 73.2 percent from its 1984 base period annual average of 311.1 to its 2002 annual average of 538.8.

Signed at Washington, DC, on the 3rd day of March 2003.

Elaine L. Chao,

Secretary of Labor.

[FR Doc. 03–5725 Filed 3–10–03; 8:45 am]

BILLING CODE 4510–24–M

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Proposed Extension of Information Collection Request Submitted for Public Comment and Recommendations; Notice of Pre-Existing Condition Exclusion

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, provides the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employee Benefits Security Administration is soliciting comments concerning the proposed extension of a currently approved collection of information: Notice of Pre-Existing Condition Exclusion. A copy of the information collection request (ICR) can be obtained by contacting the office shown in the addresses section below.

DATES: Written comments must be submitted on or before May 12, 2003.

ADDRESSES: Joseph S. Piacentini, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 693–8410, Fax (202) 219–5333 (these are not toll-free numbers).

SUPPLEMENTARY INFORMATION:

I. Background

Section 734 of ERISA, added by the Health Care Portability and Accountability Act of 1996 (HIPAA) authorized the Secretary of Labor, in coordination with the Secretary of Health and Human Services (HHS) and the Secretary of the Treasury, to promulgate such regulations as may be necessary or appropriate to carry out the provisions of the statute. Accordingly, Interim Rules implementing the Portability Requirement for Group Health Plans were published on April 8, 1997, (62 FR 16920) (April 8 Interim Rules).

Specific disclosure requirements relating to pre-existing exclusions constitute the ICR. Under the April 8 Interim Rules, a group health plan or health insurance issuer may not impose any pre-existing conditions exclusion on a participant unless that participant has been notified in writing that the plan includes pre-existing condition exclusion provisions, that a participant has a right to demonstrate any periods of prior creditable coverage, and that the plan or issuer will assist the participant in obtaining a certificate of prior coverage from any prior plan or issuer, if necessary. Plans that use the alternative method of crediting coverage must disclose their method at the time of enrollment in the plan.

In addition, the April 8 Interim Rules require that before a plan or issuer imposes a pre-existing condition exclusion on a particular participant, it must first disclose that determination in writing, including the basis of the decision, and an explanation of any appeal procedure established by the plan or issuer.

II. Desired Focus of Comments

The Department of Labor (Department) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

III. Current Actions

The Department has not modified the ICR incorporated in the April 8 Interim Rules, but intends to submit the ICR to OMB for continued clearance. Comments received in response to this notice will be incorporated in the submission to OMB.

Agency: Department of Labor, Employee Benefits Security Administration.

Title: Notice of Pre-Existing Condition Exclusion.

Type of Review: Extension of a currently approved collection.

OMB Number: 1210–0102.

Affected Public: Business or other for-profit, Not-for-profit institutions, Individuals or households.

Frequency of Response: On occasion.

Respondents: 1,300,000.

Responses: 8,570,000.

Total Estimated Burden Hours: 9,004.

Total Burden Cost (Operating and Maintenance): $1,008,000.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: March 5, 2003.

Joseph S. Piacentini,

Deputy Director, Office of Policy and Research, Employee Benefits Security Administration.

[FR Doc. 03–5728 Filed 3–10–03; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Proposed Extension of Information Collection Request Submitted for Public Comment and Recommendations; Notice of Special Enrollment Rights

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, provides the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employee Benefits Security Administration is soliciting comments concerning the proposed extension of a currently approved collection of information: Notice of

Special Enrollment Rights. A copy of the information collection request (ICR) can be obtained by contacting the office shown in the addresses section below.

DATES: Written comments must be submitted on or before May 12, 2003.

ADDRESSES: Joseph S. Piacentini, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 693–8410, Fax (202) 219–5333 (these are not toll-free numbers).

SUPPLEMENTARY INFORMATION:

I. Background

Section 734 of ERISA, added by the Health Care Portability and Accountability Act of 1996 (HIPAA), authorized the Secretary of Labor, in coordination with the Secretary of Health and Human Services (HHS) and the Secretary of the Treasury, to promulgate such regulations as may be necessary or appropriate to carry out the provisions of the statute. Accordingly, Interim Rules Implementing the Portability Requirement for Group Health Plans were published on April 8, 1997, (62 FR 16920) (April 8 Interim Rules).

In order to improve participants' understanding of their rights under an employer's group health plan, HIPAA requires that a participant be provided with a description of a plan's special enrollment rules on or before the time that a participant is offered the opportunity to enroll in a group health plan. The ICR implements the disclosure requirements of HIPAA related to special enrollment rights. These special enrollment rules generally apply to circumstances in which the participant initially declined to enroll in a plan, and later wishes to enroll.

The April 8 Interim Rules offer a model form to be used by group health plans and health insurance issuers that includes the minimum elements of information mandated by the statute.

II. Desired Focus of Comments

The Department of Labor (Department) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

III. Current Actions

The Department has not modified the ICR incorporated in the April 8 Interim Rules, but intends to submit the ICR to OMB for continued clearance. Comments received in response to this notice will be incorporated in the submission to OMB.

Agency: Department of Labor, Employee Benefits Security Administration.

Title: Notice of Special Enrollment Rights.

Type of Review: Extension of a currently approved collection.

OMB Number: 1210–0101.

Affected Public: Business or other for-profit, Not-for-profit institutions, Individuals or households.

Frequency of Response: On occasion.

Respondents: 2,600,000.

Responses: 9,602,000.

Total Estimated Burden Hours: 7,200.

Total Burden Cost (Operating and Maintenance): $841,000.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: March 5, 2003.

Joseph S. Piacentini,

Deputy Director, Office of Policy and Research, Employee Benefits Security Administration.

[FR Doc. 03–5729 Filed 3–10–03; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Proposed Extension of Information Collection; Comment Request; Prohibited Transaction Class Exemptions for Multiple Employer Plans and Multiple Employer Apprenticeship Plans, PTCE 76–1, PTCE 77–10, PTCE 78–6

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95) (44 U.S.C. 3506(c)(2)(A)). This helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, the Employee Benefits Security Administration is soliciting comments concerning the information collection request (ICR) incorporated in exemptions for certain transactions involving multiple employer plans and multiple employer apprenticeship plans. A copy of the ICR may be obtained by contacting the office listed in the **addresses** section of this notice.

DATES: Written comments must be submitted to the office shown in the **addresses** section below on or before May 12, 2003.

ADDRESSES: Joseph S. Piacentini, Office of Policy and Research, U.S. Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue, NW., Room N–5718, Washington, DC 20210. Telephone: (202) 693–8410; Fax: (202) 219–5333. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

I. Background

Prohibited Transaction Class Exemption 76–1 (PTCE 76–1), approved under OMB No. 1210–0058, provides an exemption, under specified conditions, from certain of ERISA's prohibited transaction provisions at section 406(a) for various transactions involving multiemployer or multiple employer plans (together, multiple employer plans). Part A of PTCE 76–1 provides that an agreement between a plan and an employer for extending the time for a contribution must be in writing. Part B provides that permanent financing for construction loans involving plans and participating employers must be in writing, and records must be maintained for six years. Part C involves the provision of office space or services or good by a plan to a participating employer. A related exemption, PTCE 77–10, also approved under OMB No. 1210–0058, complements Part C of PTCE 76–1 by providing an exemption from section 406(b)(2) of ERISA under specific conditions.

The Department proposes with this request for a revision of an approved information collection to combine the information collection under PTCE 76–1 with the information collection in PTCE 78–6, currently approved under OMB No. 1210–0080, by incorporating the information collection provisions of PTCE 78–6 into the revised ICR under OMB No. 1210–0058 and allowing the control number for PTCE 78–6 to expire. PTCE 78–6 provides an exemption to multiple employer apprenticeship plans for the purchase of personal property or the lease of real property by a plan to a contributing employer. The Department believes that the public will benefit by having the opportunity to comment on the three information collection provisions at the same time because the three exemptions are closely related and may be used by the same parties.

II. Desired Focus of Comments

The Department is particularly interested in comments that:

Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

Enhance the quality, utility, and clarity of the information to be collected; and

Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

III. Current Action

This notice requests comments on the revision of the information collection provisions in PTCE 76–1, which provides exemptions from certain prohibited transactions for multiple employer plans, and the inclusion of the ICR in PTCE 78–6 that exempts multiple employer apprenticeship plans with the information collections currently approved under OMB No. 1210–0058. The Department is not proposing or implementing changes to any of the three ICRs at this time.

Type of Review: Revision of a currently approved collection of information.

Agency: Employee Benefits Security Administration, Department of Labor.

Titles: Prohibited Transaction Class Exemptions for Multiple Employer Plans and Multiple Employer Apprenticeship Plans, PTCE 76–1, PTCE 77–10, PTCE 78–6.

OMB Number: 1210–0058.

Affected Public: Individuals or households; Business or other for-profit; Not-for-profit institutions.

Respondents: 3,442.

Frequency of Response: On occasion.

Responses: 5,326.

Estimated Total Burden Hours: 1,225.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the information collection request; they will also become a matter of public record.

Dated: March 3, 2003.

Joseph S. Piacentini,

Deputy Director, Office of Policy and Research, Employee Benefits Security Administration.

[FR Doc. 03–5730 Filed 3–10–03; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Proposed Extension of Information Collection; Comment Request; Prohibited Transaction Exemption 97–41

ACTION: Notice.

SUMMARY: The Department of Labor (Department), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95) (44 U.S.C. 3506(c)(2)(A)). This helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, the Employee Benefits Security Administration is soliciting comments concerning the proposed extension of the information collection provisions of Prohibited Transaction Class Exemption 97–41. A copy of the Information Collection Request (ICR) may be obtained by contacting the office listed in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office shown in the **ADDRESSES** section below on or before May 12, 2003.

ADDRESSES: Joseph S. Piacentini, Office of Policy and Research, U.S. Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue, NW., Room N–5718, Washington, DC 20210. Telephone: (202) 219–4782; Fax: (202) 219–5333. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

I. Background

Prohibited Transaction Class Exemption 97–41 provides an exemption from the prohibited transaction provisions of the Employment Retirement Income Security Act of 1974 (ERISA) and from certain taxes imposed by the by the Internal Revenue Code of 1986 (Code). The exemption permits an employee benefit plan to purchase shares of one or more open-end investment companies (Mutual Funds) registered under the Investment Advisers Act of 1940 in exchange for plan assets transferred in-kind to the Mutual Fund from a collective investment fund (CIF) maintained by a bank or plan adviser, where the bank or plan adviser is both the investment adviser to the Mutual Fund and a fiduciary of the plan. The transfer and purchase must be in connection with a complete withdrawal of a plan's assets from the CIF. The exemption affects participants and beneficiaries of the plans that are involved in such transactions as well as the bank or plan adviser and the Mutual Fund.

In order to ensure that the exemption is not abused and that the rights of participants and beneficiaries are protected, the Department requires the bank to give the independent fiduciary notice of the in-kind transfer and full written disclosure of information concerning the registered investment company. Further, the bank or plan adviser must provide the independent fiduciary with certain ongoing disclosures.

II. Desired Focus of Comments

The Department is particularly interested in comments that:

Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

Enhance the quality, utility, and clarity of the information to be collected; and

Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

III. Current Action

This notice requests comments on the extension of the ICR included in prohibited transaction exemption 97–41. The Department is not proposing or implementing changes to the existing ICR at this time.

Type of Review: Extension of a currently approved collection of information.

Agency: Employee Benefits Security Administration, Department of Labor.

Titles: Prohibited Transaction Class Exemption 97–41.

OMB Number: 1210–0104.

Affected Public: Individuals or households; Business or other for-profit; Not-for-profit institutions.

Estimated Total Burden Hours: 1,767.

Respondents: 75.

Frequency of Response: On occasion.

Responses: 75.

Total Burden Cost (Operating and Maintenance): $186,750.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the information collection request; they will also become a matter of public record.

Dated: March 3, 2003.

Joseph S. Piacentini,

Deputy Director, Office of Policy and Research, Employee Benefits Security Administration.

[FR Doc. 03–5731 Filed 3–10–03; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Proposed Extension of Information Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95) (44 U.S.C. 3506(c)(2)(A)). This helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, the Employee Benefits Security Administration is soliciting comments concerning the proposed extension of the information collection request (ICR) incorporated in Prohibited Transaction Class Exemption 90–1 (PTCE 90–1). A copy of the ICR may be obtained by contacting the office listed in the addresses section of this notice.

DATES: Written comments must be submitted to the office shown in the addresses section below on or before May 12, 2003.

ADDRESSES: Joseph S. Piacentini, Office of Policy and Research, U.S. Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue, NW., Room N–5718, Washington, DC 20210. Telephone: (202) 693–8410; Fax: (202) 219–5333. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

I. Background

Prohibited Transaction Class Exemption 90–1 provides an exemption from certain provisions of the Employee Retirement Income Security Act of 1974 (ERISA) for transactions involving insurance company pooled separate accounts in which employee benefit plans participate and which are otherwise prohibited by ERISA. Specifically, the exemption allows persons who are parties in interest to a plan that invests in a pooled separate account, such as a service provider, to engage in transactions with the separate account if the plan's participation in the separate account does not exceed specified limits. This ICR covers the recordkeeping requirements for insurance companies.

II. Desired Focus of Comments

The Department is particularly interested in comments that:

Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

Enhance the quality, utility, and clarity of the information to be collected; and

Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

III. Current Action

This notice requests comments on the extension of the ICR included in prohibited transaction exemption 90–1. The Department is not proposing or implementing changes to the existing ICR at this time.

Type of Review: Extension of a currently approved collection of information.

Agency: Employee Benefits Security Administration, Department of Labor.

Titles: Prohibited transaction Class Exemption 90–1—Pooled Separate Accounts.

OMB Number: 1210–0083.

Affected Public: Individuals or households; Business or other for-profit; Not-for-profit institutions.

Respondents: 128.

Frequency of Response: On occasion.

Responses: 128.

Estimated Total Burden Hours: 11.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the information collection request; they will also become a matter of public record.

Dated: March 3, 2003.

Joseph S. Piacentini,

Deputy Director, Office of Policy and Research, Employee Benefits Security Administration.

[FR Doc. 03–5732 Filed 3–10–03; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Proposed Extension of Information Collection Request Submitted for Public Comment and Recommendations; Establishing Prior Creditable Coverage

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, provides the general public and Federal agencies with an opportunity to comment on proposed and/or

continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employee Benefits Security Administration is soliciting comments concerning the proposed extension of a currently approved collection of information: Establishing Prior Creditable Coverage. A copy of the information collection request (ICR) can be obtained by contacting the office shown in the addresses section below.

DATES: Written comments must be submitted on or before May 12, 2003.

ADDRESSES: Joseph S. Piacentini, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 693–8410, FAX (202) 219–5333 (these are not toll-free numbers).

SUPPLEMENTARY INFORMATION:

I. Background

Section 734 of ERISA, added by the Health Care Portability and Accountability Act of 1996 (HIPAA) authorized the Secretary of Labor, in coordination with the Secretary of Health and Human Services (HHS) and the Secretary of the Treasury, to promulgate such regulations as may be necessary or appropriate to carry out the provisions of the statute. Accordingly, Interim Rules Implementing the Portability Requirement for Group Health Plans were published on April 8, 1997, (62 FR 16920) (April 8 Interim Rules).

In order to meet HIPAA's goal of improving access to and portability of health care benefits, the statute provides that, after the submission of evidence establishing prior creditable coverage, a subsequent group health plan or health insurance issuer is limited in the extent to which it can impose pre-existing condition exclusions to limit coverage. Under the April 8 Interim Rules, a group health plan is obligated to provide a written certificate suitable for establishing the prior creditable coverage of a participant or beneficiary. To the extent that a certification is not available or is inadequate to prove prior creditable coverage, alternative methods of establishing creditable coverage are provided.

The April 8 Interim Rules offer model certification and notice forms, containing the minimum information mandated by the statute, to be used by group health plans and health insurance issuers. This ICR covers the provision of materials sufficient to establish prior creditable coverage.

II. Desired Focus of Comments

The Department of Labor (Department) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

III. Current Actions

The Department has not modified the ICR incorporated in the April 8 Interim Rules, but intends to submit the ICR to OMB for continued clearance. Comments received in response to this notice will be incorporated in the submission to OMB.

Agency: Department of Labor, Employee Benefits Security Administration.

Title: Establishing Prior Creditable Coverage.

Type of Review: Extension of a currently approved collection.

OMB Number: 1210–0103.

Affected Public: Business or other for-profit, Not-for-profit institutions, Individuals or households.

Frequency of Response: On occasion.

Respondents: 2,600,000.

Responses: 44,396,000.

Total Estimated Burden Hours: 351,150.

Total Burden Cost (Operating and Maintenance): $34,689,000.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: March 4, 2003.

Joseph S. Piacentini,

Deputy Director, Office of Policy and Research, Employee Benefits Security Administration.

[FR Doc. 03–5733 Filed 3–10–03; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

[Application Numbers D–11137, 11138, and 11139]

Hearing on Proposed Individual Exemption Involving the Northwest Airlines Pension Plan for Salaried Employees, the Northwest Airlines Pension Plan for Pilot Employees, and the Northwest Airlines Pension Plan for Contract Employees (collectively, the Plans)

AGENCY: Employee Benefits Security Administration, Department of Labor.

ACTION: Notice of hearing.

SUMMARY: Notice is hereby given that the Department of Labor will hold a hearing on May 5 and if necessary, May 6, 2003, relating to a proposed exemption from certain prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA or the Act) and from certain taxes imposed by the Internal Revenue Code of 1986 (the Code) for the Plans. A notice of pendency of the proposed exemption was published in the **Federal Register** at 68 FR 2578 (January 17, 2003).

DATES: The hearing will be held on May 5 and, if necessary, May 6, 2003, beginning at 9:30 a.m., EST.

ADDRESSES: The hearing will be held at the Department of Labor, Rooms N–3437A & B, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Wendy M. McColough or Christopher Motta, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor, telephone (202) 693–8540 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: On January 17, 2003, the Department of Labor (the Department) published in the **Federal Register** at 68 FR 2578 a notice of pendency of a proposed individual exemption for the Plans from the restrictions of sections 406(a), 406(b)(1) and (b)(2), and 407(a) of the Act and from the sanctions resulting from the application of section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code.

In that notice, the Department invited interested persons to submit written comments and any requests for a public hearing on the proposed exemption.

As explained in the notice of pendency, the proposed exemption was requested in an application filed on behalf of Northwest Airlines, Inc. (Northwest) as plan sponsor and named fiduciary to the Plans, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B at 55 FR 32836, 32847 (August 10, 1990). If granted, the proposed exemption would permit: (1) The in-kind contribution(s) of the common stock of either Pinnacle Airlines, Inc. or Pinnacle Airlines Corp. (Pinnacle Stock) to the Plans by Northwest, a party in interest with respect to such Plans; (2) the holding of the Pinnacle Stock by the Plans; (3) the sale of the Pinnacle Stock by the Plans to Northwest; and (4) the acquisition, holding, and exercise by the Plans of a put option (the Put Option) granted to the Plans by Northwest.

In response to the solicitation of comments from interested persons, the Department has received over 500 letters, e-mails, faxes or phone calls, of which more than 300 request that a hearing be held on the proposed exemption. The commenters expressed concern generally about the effect of the proposed exemption on the Plans. The concerns expressed generally related to the proposed contribution of Pinnacle Stock instead of a cash contribution to the Plans; the value and method of valuation of the Pinnacle Stock; the effects of the proposed transactions on the Plans; and the adequacy of the proposed safeguards that are intended to protect the Plans' interests.

The submissions received by the Department are available for public inspection in the Public Disclosure Room of the Employee Benefits Security Administration, U.S. Department of Labor, Room N–1513, 200 Constitution Avenue, NW., Washington, DC 20210.

In view of the comments requesting a hearing on the proposed exemption, the Department has decided to hold a hearing on the proposed exemption on May 5 and, if necessary, May 6, 2003 beginning at 9:30 a.m., EST, in Rooms N–3437 A & B at the Department of Labor, 200 Constitution Avenue, NW., Washington, DC.

Any interested person who wishes to be assured of an opportunity to present oral comments at the hearing should submit by 3:30 p.m., EST, April 26, 2003: (1) A written request to be heard; and (2) five copies of an outline of the topics to be discussed. The request to be heard and accompanying outline should be sent to: Office of Exemption Determinations, Room N–5649, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, ''Attention: Northwest Exemption Hearing.'' Copies of your mailed submission may be sent by electronic mail to *moffittb@pwba.dol.gov.*

The Department will prepare an agenda indicating the order of presentation of oral comments. In the absence of special circumstances, each commenter will be allotted ten minutes in which to complete his or her presentation. Information about the agenda may be obtained on or after April 30, 2003 by contacting Wendy M. McColough or Christopher Motta, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor, telephone (202) 693–8540 (this is not a toll-free number). Those individuals who make oral comments at the hearing should be prepared to answer questions regarding their comments. The hearing will be transcribed.

Notice to Interested Persons

Within fifteen (15) calendar days of publication of the Notice of Public Hearing (the Notice) in the **Federal Register**, Northwest shall provide notice to all participants of the Plans (including active employees, separated vested participants and retirees) by mailing first class a photocopy of the Notice. Northwest shall also provide the Notice by first class mailing to the representatives of the unions that represent employees of Northwest who currently participate in the Plans.

Notice of Public Hearing

Notice is hereby given that a public hearing will be held on May 5 and if necessary, May 6, 2003, regarding a proposed exemption from certain prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 and from certain taxes imposed by the Internal Revenue Code of 1986 for transactions involving the Northwest Airlines Pension Plan for Salaried Employees, the Northwest Airlines Pension Plan for Pilot Employees, and the Northwest Airlines Pension Plan for Contract Employees.

The hearing will be held, beginning at 9:30 a.m., EST, in Rooms N–3437 A & B at the Department of Labor, 200 Constitution Avenue, NW., Washington, DC.

Signed at Washington, DC this 4th day of March 2003.

Ivan L. Strasfeld,

Director, Office of Exemption, Determinations, Employee Benefits Security Administration, Department of Labor.

[FR Doc. 03–5613 Filed 3–10–03; 8:45 am]

BILLING CODE 4520–29–P

DEPARTMENT OF LABOR

Employment and Training Administration

Labor Surplus Area Classification Under Executive Orders 12073 and 10582; Correction

ACTION: Correction.

SUMMARY: In notice document Vol. 68 No. 23 page 5751 and page 5763 in the issue of Tuesday, February 4, 2003, make the following correction: On page 5751 in the first column, for Arkansas following Monroe County, include Newton County and in the second column following Monroe County, include Newton County. On page 5763 for North Dakota in the first column following Benson County, include McLean County and in the second column following Benson County include McLean County.

FOR FURTHER INFORMATION CONTACT: Anthony Dais, Acting Division Chief, U.S. Employment Service, Employment and Training Administration, 200 Constitution Avenue, NW., Room C 4512, Washington, DC 20210. Telephone: (202) 693–3046 (this not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department of Labor regulations implementing Executive Orders 12073 and 10582 are set forth at 20 CFR part 654, subparts A and B. These regulations require the Assistant Secretary of Labor to classify jurisdictions are labor surplus areas pursuant to the criteria specified in the regulations and to publish annually a list of labor surplus areas. Pursuant to those regulations the Assistant Secretary of Labor hereby published the annual list of labor surplus areas, on February 4, 2003 at 68 FR 5748. However, due to problems with the electronic file, the notice included two omissions. For the convenience of the public the Labor Surplus Area list is posted on the Internet at the following addresses: *www.doleta.gov* and *www.usworkforce.org*. The Labor Surplus Area list will no longer be published in the *Area Trends*.

Dated: March 3, 2003.

Emily Stover DeRocco,

Assistant Secretary of Labor.

[FR Doc. 03–5724 Filed 3–10–03; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Notice; Revised Schedule of Remuneration for the UCX Program

Under section 8521(a)(2) of title 5 of the United States Code, the Secretary of Labor is required to issue from time to time a Schedule of Remuneration specifying the pay and allowances for each pay grade of members of the military services. The schedules are used to calculate the base period wages and benefits payable under the program of Unemployment Compensation for Ex-servicemembers (UCX Program).

The revised schedule published with this Notice reflects increases in military pay and allowances which were effective in January 2003.

Accordingly, the following new Schedule of Remuneration, issued pursuant to 20 CFR 614.12(c), applies to ''first claims'' for UCX which are effective beginning with the first day of the first week which begins on or after April 6, 2003.

Pay grade	Monthly rate
(1) Commissioned Officers:	
0–10	$14,857
0–9	14,302
0–8	13,206
0–7	11,992
0–6	10,402
0–5	8,816
0–4	7,554
0–3	5,976
0–2	4,608
0–1	3,527
(2) Commissioned Officers With Over 4 Years Active Duty as an Enlisted Member or Warrant Officer:	
0–3E	6,851
0–2E	5,513
0–1E	4,651
(3) Warrant Officers:	
W–5	7,709
W–4	6,832
W–3	5,719
W–2	4,951
W–1	4,217
(4) Enlisted Personnel:	
E–9	6,453
E–8	5,346
E–7	4,724
E–6	4,124
E–5	3,456
E–4	2,964
E–3	2,660
E–2	2,494
E–1	2,245

The publication of this new Schedule of Remuneration does not revoke any prior schedule or change the period of time any prior schedule was in effect.

Signed at Washington, DC on March 5, 2003.

Emily Stover DeRocco,

Assistant Secretary of Labor.

[FR Doc. 03–5727 Filed 3–10–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration Proposed Information Collection Request Submitted for Public Comment and Recommendations; Identification of Independent Contractors

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506 (c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the extension of the information collection related to the 30 CFR sections 45.3—Identification of Independent Contractors.

DATES: Submit comments on or before May 12, 2003.

ADDRESSES: Send comments to Jane Tarr, Management Analyst, Administration and Management 1100 Wilson Boulevard, Room 2171, Arlington, VA 22209–3939. Commenters are encouraged to send their comments on computer disk, or via Internet E-mail to *Tarr-Jane@Msha.Gov.* Ms. Tarr can be reached at (202) 693–9824 (voice), or (202) 693–9801 (facsimile).

FOR FURTHER INFORMATION CONTACT: Jane Tarr, Management Analyst, Records Management Group, U.S. Department of Labor, Mine Safety and Health Administration, Room 2171, 1100 Wilson Boulevard, Arlington, VA 22209–3939. Ms. Tarr can be reached at *Tarr-Jane@Msha.Gov* (Internet E-mail), (202) 693–9824 (voice), or (202) 693–9801 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Title 30 CFR 45.3 provides that independent contractors may voluntarily obtain a permanent MSHA identification number by submitting to MSHA their trade name and business address, a telephone number, an estimate of the annual hours worked by the contractor on mine property for the previous calendar year, and the address of record for service of documents upon the contractor. Independent contractors performing services or construction at mines are subject to the Federal Mine Safety and Health Act of 1977 (Mine Act) and are responsible for violations of the Mine Act committed by them or their employees.

Although Independent Contractors are not required to apply for the identification number, they will be assigned one by MSHA the first time they are cited for a violation of the Mine Act. MSHA uses the information to issue a permanent MSHA identification number to the independent contractor.

II. Desired Focus of Comments

MSHA is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

A copy of the proposed information collection request can be obtained by contacting the employee listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice, or viewed on the Internet by accessing the MSHA Home page (*http://www.msha.gov*) and then choosing ''Statutory and Regulatory Information'' and ''Federal Register Documents.''

III. Current Actions

MSHA uses the information to issue a permanent MSHA identification number to the independent contractor. This number allows MSHA to keep track of a contractor's violation history so that appropriate civil penalties can be assessed for violations of the Mine Act or its accompanying mandatory health and safety standards.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Identification of Independent Contractors.

OMB Number: 1219–0043.

Recordkeeping: § 45.3 states that independent contractors may voluntarily obtain a permanent MSHA identification number by submitting to MSHA their trade name and business address, a telephone number, an estimate of the annual hours worked by the contractor on mine property for the previous calendar year, and the address of record for service of documents upon the contractor.

Independent contractors performing services or construction at mines are subject to the Federal Mine Safety and Health Act of 1977 (Mine Act) and are responsible for violations of the Mine Act committed by them or their employees.

Although Independent Contractors are not required to apply for the identification number, they will be assigned one by MSHA the first time they are cited for a violation of the Mine Act. MSHA uses the information to issue a permanent MSHA identification number to the independent contractor.

Frequency: On Occasion.

Affected Public: Business or other for-profit.

Respondents: 2,229.

Estimated Time Per Respondent: 7.2 minutes.

Total Burden Hours: 275 hours.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintaining): $601.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; the comments will also become a matter of public record.

Dated at Arlington, VA, this third day of March, 2003.

Lynnette Haywood,

Deputy Director, Office of Administration and Management.

[FR Doc. 03–5726 Filed 3–10–03; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR–1218–0170(2003)]

Standard on 1,3-Butadiene; Extension of the Office of Management and Budget's (OMB) Approval of Information—Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for comment.

SUMMARY: OSHA solcits comments concerning its proposal to decrease the existing burden-hour estimates, and to extend OMB approval of the information-collection requirements of the 1,3-Butadiene Standard (29 CFR 1910.1051) [1] The standard protects employees from adverse health effects from occupational exposure to 1,3-Butadiene.

DATES: Comments must be submitted by the following dates:

Hard Copy. Your comments must be submitted (postmarked or sent) by May 12, 2003. *Facsimile and electronic transmission:* Your comments must be sent by May 12, 2003.

ADDRESSES:

I. Submission of Comments

Regular mail, express delivery, hand-delivery, and messenger service: Submit your comments and attachments to the OSHA Docket Office, Docket No. ICR 1218–0170(2003), Room N–2625, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. OSHA Docket Office, and Department of Labor hours of operation are 8:15 a.m. to 4:45 p.m, EST.

Facsimile: If your comments, including any attachments, are 10 pages or fewer, you may fax them to the OSHA Docket Office at (202) 693–1648. You must include the docket number of this document, Docket No. ICR 1218–0170(2003), in your comments.

[1] Based on its assessment of the paperwork requirements contained in this standard, the Agency estimates that the total burden hours decreased compared to its previous burden-hour estimate. Under this notice, OSHA is *not* proposing to revise the Standard's paperwork requirements, only to decrease the burden hours estimates impose by the existing paperwork requirements.

Electronic: You may submit comments, but not attachments, through the Internet at *http://ecomments.osha.gov/.*

(Please see the Supplementary Information below for additional information on submitting comments.)

II. Obtaining Copies of Supporting Statement for the Information Collection

The Supporting Statement for the Information Collection is available for downloading from OSHA's Web site at *www.osha.gov.* The supporting statement is available for inspection and copying in the OSHA Docket Office, at the address listed above. A printed copy of the supporting statement can be obtained by contacting Todd Owen at (202) 693–2222.

FOR FURTHER INFORMATION CONTACT: Todd Owen, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Submission of Comments on this Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document by (1) Hard copy, (2) FAX transmission (facsimile), or (3) electronically through the OSHA website. Please note you cannot attach materials such as studies or journal articles to electronic comments. If you have additional materials, you must submit three copies of them to the OSHA Docket Office at the address above. The additional materials must clearly identify your electronic comments by name, date, subject and docket number so we can attach them to your comments. Because of security-related problems there may be a significant delay in the receipt of comments by regular mail. Please contact the OSHA Docket Office at (202) 693–2350 for information about security procedures concerning the delivery of materials by express delivery, hand delivery and messenger service.

II. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information-collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information-collection burden is correct. The Occupational Safety and Health Act of 1970 (the Act) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). In this regard, the information collection requirements in the 1,3-Butadiene Standard provide protection for employees from the adverse health effects associated with exposure to 1,3-Butadiene.

III. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information-collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information-collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information-collection and transmission techniques.

IV. Proposed Actions

OSHA proposes to decrease the existing burden-hour estimates, and to extend OMB approval of the information-collection requirements of the 1,3-Butadiene Standard (29 CFR 1910.1051). The 1,959 burden hour reduction is a result of reestimating the number of respirator filter elements that must be labeled.

The 1,3-Butadiene Standard requires employers to monitor employee exposure to 1,3-Butadiene; develop and maintain compliance and exposure-goal programs if employee exposures to 1,3-Butadiene are above the Standard's permissible exposure limits or action level; label respirator filter elements to indicate the date and time it is first installed on the respirator; establish medical surveillance programs to monitor employee health, and to provide employees with information about their exposures and the health effects of exposure to 1,3-Butadiene.

OSHA will summarize the comments submitted in response to this notice, and will include this summary in the request to OMB to extend the approval of the information collection requirements contained in the 1,3-Butadiene Standard (29 CFR 1910.1051).

Type of Review: Extension of a currently-approved information-collection requirement.

Title: 1,3 Butadiene Standard (29 CFR 1910.1051).

OMB Number: 1218–0170.

Affected Public: Business or other for-profit.

Number of Respondents: 115.

Frequency: On occasion.

Total Responses: 3,532.

Average Time per Response: Time per response ranges from 5 minutes to maintain records to 2 hours to complete a referral medical examination.

Estimated Total Burden Hours: 950.

Estimated Cost (Operation and Maintenance): $82,010.

III. Authority and Signature

John L. Henshaw, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506), and Secretary of Labor's Order No 5–2002 (67 FR 65008).

Signed at Washington, DC on March 5, 2003.

John L. Henshaw,

Assistant Secretary of Labor.

[FR Doc. 03–5612 Filed 3–10–03; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (03–030)]

Aerospace Safety Advisory Panel Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the Aerospace Safety Advisory Panel.

DATES: Tuesday, March 25, 2003, 1 p.m. to 3 p.m. Eastern Standard Time.

ADDRESSES: National Aeronautics and Space Administration Headquarters, Room 6H46, overflow room 3H46, 300 E Street, SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Leonard B. Sirota, Aerospace Safety Advisory Panel Executive Director, Code Q–1, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358–0914.

SUPPLEMENTARY INFORMATION: The Aerospace Safety Advisory Panel will present its annual report to the NASA Administrator. This presentation is pursuant to carrying out its statutory duties for which the Panel reviews, identifies, evaluates, and advises on those program activities, systems, procedures, and management activities that can contribute to program risk. Priority is given to those programs that involve the safety of human flight. The major subjects covered will be: Space Shuttle Program, International Space Station Program, Aviation Safety Program, and Cross-Program Areas. The Aerospace Safety Advisory Panel is currently chaired by Ms. Shirley C. McCarty and is composed of nine members and seven consultants.

The meeting will be open to the public up to the seating capacity of the room, 6H46. Since there will only be 20 seats available in that room, these seats will be assigned to the first 10 members of the public and 10 members of the press to call Ms. Michele Dodson on (202) 358–0914. Those calling after room 6H46 capacity is reached will be seated in room 3H46 where the proceedings will be shown live via video feed. Questions or comments will only be accepted from those seated in the primary room, 6H46. Photograph's will only be permitted during the first 10 minutes of the meeting.

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register and asked to comply with NASA security requirements, including the presentation of a valid picture ID before receiving an access badge. Foreign Nationals attending this meeting will be required to provide the following information: full name; gender; date/place of birth; citizenship; Greencard/visa information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, phone); title/position of visitor.

June W. Edwards,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 03–5734 Filed 3–10–03; 8:45 am]

BILLING CODE 4510–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meetings of Humanities Panel

AGENCY: The National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Daniel Schneider, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone (202) 606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606–8282.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by the grant applicants. Because the proposed meetings will consider information that is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential and/or information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that these meetings will be closed to the public pursuant to subsection (c)(4), and (6) of section 552b of Title 5, United States Code.

Date: March 21, 2003.
Time: 8:30 a.m. to 5 p.m.
Room: 426.
Program: This meeting will review applications for Humanities Projects in Museums and Historical Organizations, submitted to the Division of Public Programs at the February 3, 2003 deadline.

Date: March 27, 2003.
Time: 8:30 a.m. to 5 p.m.
Room: 415.
Program: This meeting will review applications for Special Projects, submitted to the Division of Public Programs at the February 3, 2003 deadline.

Date: March 31, 2003.
Time: 8:30 a.m. to 5 p.m.
Room: 426.
Program: This meeting will review applications for Humanities Projects in Museums and Historical Organizations, submitted to the Division of Public Programs at the February 3, 2003 deadline.

Daniel Schneider,
Advisory Committee Management Officer.
[FR Doc. 03–5642 Filed 3–10–03; 8:45 am]
BILLING CODE 7536–01–P

NATIONAL INDIAN GAMING COMMISSION

Fee Rates

AGENCY: National Indian Gaming Commission.
ACTION: Notice.

SUMMARY: Notice is hereby given, pursuant to 25 CFR 514.1(a)(3), that the National Indian Gaming Commission has adopted final revised annual fee rates for calendar years 1996 and 1997. The rate for 1996 is 0.5% (.005) on tier 1 revenues and .152220872% (.00152220872) on tier 2 revenues; the rate for 1997 is .5% (.005) on tier 1 revenues and .119107745% (.00119107745) on tier 2 revenues. These rates shall apply to all assessable gross revenues from each gaming operation under the jurisdiction of the Commission.

FOR FURTHER INFORMATION CONTACT: Bobby Gordon, National Indian Gaming Commission, 1441 L Street, NW., Suite 9100, Washington, DC 20005; telephone 202/632–7003; fax 202/632–7066 (these are not toll-free numbers).

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act established the National Indian Gaming Commission which is charged with, among other things, regulating gaming on Indian lands.

The regulations of the Commission, provide for a system of fee assessment and payment that is self-administered by gaming operations. Pursuant to those regulations, the Commission is required to adopt and communicate assessment rates; the gaming operations are required to apply those rates to their revenues, compute the fees to be paid, report the revenues, and remit the fees to the Commission on a quarterly basis.

The regulations of the Commission and the final revised annual rates being adopted today are effective for calendar years 1996 and 1997. As a result, the Commission shall credit each gaming operation pro-rata fees collected in excess of $1,500,000.00 during those years. The Commission will notify each gaming operation as to the amounts of overpayments, if any; and therefore the amounts of credit to be taken against the next quarterly payment(s) otherwise due.

Richard B. Schiff,
Acting Chief of Staff, National Indian Gaming Commission.
[FR Doc. 03–5785 Filed 3–10–03; 8:45 am]
BILLING CODE 7565–01–M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Nuclear Regulatory Commission (NRC).
ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. *Type of submission, new, revision, or extension:* Extension.
2. *The title of the information collection:* 10 CFR part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions.''
3. *The form number if applicable:* Not applicable.
4. *How often the collection is required:* On occasion. Upon submittal of an application for a construction permit, operating license, operating license renewals, early site review, design certification review, decommissioning or termination review, manufacturing license, materials license, or upon submittal of a petition for rulemaking.
5. *Who will be required or asked to report:* Licensees and applicants requesting approvals for actions proposed in accordance with the provisions of 10 CFR Parts 30, 32, 33, 34, 35, 36, 39, 40, 50, 52, 54, 60, 61, 70, and 72.
6. *An estimate of the number of annual responses:* 18.
7. *The estimated number of annual respondents:* 18.
8. *An estimate of the total number of hours needed annually to complete the requirement or request:* 78,765 (an average of 4,297 hours per response).

9. *An indication of whether Section 3507(d), Pub. L. 104–13 applies:* N/A.

10. *Abstract:* 10 CFR part 51 specifies information to be provided by applicants and licensees so that the NRC can make determinations necessary to adhere to the policies, regulations, and public laws of the United States, which are to be interpreted and administered in accordance with the policies set forth in the National Environmental Policy Act of 1969, as amended.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/index.html.* The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by April 10, 2003. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Bryon Allen, Office of Information and Regulatory Affairs (3150–0021), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395–3087.

The NRC Clearance Officer is Brenda Jo. Shelton, 301–415–7233.

Dated at Rockville, Maryland, this 5th day of March, 2003.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 03–5783 Filed 3–10–03; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Federal Register Notice

AGENCY: Nuclear Regulatory Commission

DATES: Weeks of March 10, 17, 24, 31, April 7, 14, 2003.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED

Week of March 10, 2003

There are no meetings scheduled for the Week of March 10, 2003.

Week of March 17, 2003—Tentative

Thursday, March 20, 2003

10 a.m.

Briefing on Status of Office of Nuclear Security and Incident Response (NSIR) Programs, Performance, and Plans (Closed—Ex. 1)

2 p.m.

Discussion of Management Issues (Closed—Ex. 2)

Week of March 24, 2003—Tentative

Thursday, March 27, 2003

10 a.m.

Briefing on Status of Office of Nuclear Regulatory Research (RES) Programs, Performance, and Plans

This meeting will be webcast live at the Web address: *www.nrc.gov.*

Week of March 31, 2003—Tentative

There are no meetings scheduled for the Week of March 31, 2003.

Week of April 7, 2003—Tentative

Friday, April 11, 2003

9 p.m.

Meeting with Advisory Committee on Reactor Safeguards (ACRS) (Public Meeting) (Contact: John Larkins, 301–415–7360)

This meeting will be webcast live at the Web address: *www.nrc.gov.*

12:30 p.m.

Discussion of Management Issues (Closed—Ex. 2)

Week of April 14, 2003—Tentative

There are no meetings scheduled for the Week of April 14, 2003.

The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292.

CONTACT PERSON FOR MORE INFORMATION: David Louis Gamberoni (301) 415–1651.

Additional Information

By a vote of 5–0 on March 2, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that "Discussion of Governmental Issues (Closed—Ex. 9)" be held on March 2, and on less than one week's notice to the public.

The NRC Commission Meeting Schedule can be found on the Internet at: *www.nrc.gov/what-we-do/policy-making/schedule.html.*

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to *dkw@nrc.gov.*

Dated: March 6, 2003.

David Louis Gamberoni,

Technical Coordinator, Office of the Secretary.

[FR Doc. 03–5870 Filed 3–7–03; 11:18 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–47445; File No. SR–OC–2003–04]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by OneChicago, LLC Relating to Maintenance Standards for a Security Futures Product Based on a Single Security

March 5, 2003.

Pursuant to section 19(b)(7) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b-7 under the Act,[2] notice is hereby given that on February 24, 2003, OneChicago, LLC ("OneChicago" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule changes described in Items I, II, and III below, which Items have been prepared by OneChicago. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

OneChicago also has filed the proposed rule change with the Commodity Futures Trading Commission ("CFTC"). OneChicago filed a written certification with the CFTC under Section 5c(c) of the Commodity Exchange Act[3] on February 20, 2003.

I. Self-Regulatory Organization's Description of the Proposed Rule Change

OneChicago proposes to amend the maintenance standards requirement ("Maintenance Standards") for a security futures product based on a single security ("Single Stock Future") relating to the market price of the underlying security. The text of the proposed rule change appears below.

[1] 15 U.S.C. 78s(b)(7).

[2] 17 CFR 240.19b–7.

[3] 7 U.S.C. 7a–2(c).

New text is in *italics.* Deleted text is in brackets.

Eligibility and Maintenance Criteria for Security Futures Products

I. No Change

II. Maintenance Standards for a Security Futures Product Based on a Single Security

A. OneChicago will not open for trading any security futures product that is physically settled with a new delivery month, and may prohibit any opening purchase transactions in the security futures product already trading, to the extent it deems such action necessary or appropriate, unless the underlying security meets each of the following maintenance requirements; provided that, if the underlying security is an ETF Share, TIR or Closed-End Fund Share, the applicable requirements for initial listing of the related security futures product (as described in I.A. above) shall apply in lieu of the following maintenance requirements:

(i)–(iv) No Change.

(v) [It must have had a market price per security of at least $5.00, as measured by the highest closing price reported in any market in which it has traded, for a majority of business days during the preceding six calendar months; provided, however, that OneChicago may waive this requirement and open for trading a security futures product with a new delivery month, if:

(a) The aggregate market value of the underlying security equals or exceeds $50 million;

(b) Customer open interest (reflected on a two-sided basis) equals or exceeds 4,000 contracts for all delivery months;

(c) Its average daily trading volume (in all markets in which the underlying security is traded) has been at least 109,000 shares or receipts evidencing the underlying security in each of the preceding 12 months; and

(d) The market price per share or receipt of the underlying security closed at $3.00 or above on a majority of the business days during the preceding six calendar months, as measured by the highest closing price for the underlying security reported in any market in which the underlying security traded, and the market price per share or receipt of the underlying security is at least $3.00 at the time such additional series are authorized for trading. During the next consecutive six calendar month period, to satisfy this paragraph, the market price per share or receipt of the underlying security must be at least $4.00.]

The market price per share of the underlying security closed below $3.00 on the previous trading day to the Expiration Day of the nearest expiring Contract on the underlying security. The market price per share of the underlying security will be measured by the closing price reported in the primary market in which the underlying security traded.

Requirement (v) as Applied to Restructure Securities:

If a Restructure Security is approved for security futures product trading under the initial listing standards in Section I, the market price history of the Original Equity Security prior to the commencement of trading in the Restructure Security, including ''when-issued'' trading, may be taken into account in determining whether this requirement is satisfied.

(vi) No Change.

B–D No Change.

III. No Change

IV. No Change

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

OneChicago has prepared statements concerning the purpose of, and basis for, the proposed rule change, burdens on competition, and comments received from members, participants, and others. The text of these statements may be examined at the places specified in Item IV below. These statements are set forth in Sections A, B, and C below.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

OneChicago proposes to amend Maintenance Standard II.A.v to reduce the market price per share of the underlying security from $5.00 to $3.00. Under the proposed rule change, OneChicago would not open for trading a new delivery month for a Single Stock Future trading on OneChicago if the market price per share of the underlying security closed below $3.00 on the previous trading day to the expiration of the nearest expiring Contract on the underlying security.[4] The market price per share of the underlying security would be determined by the closing price reported in the primary market in which the underlying security traded.

Currently, under OneChicago Maintenance Standard II.A.v., OneChicago may not open for trading a new delivery month unless the market price of the underlying security is at least $5.00, as measured by the highest closing price reported in any market in which it has traded for a majority of business days during the preceding six calendar months. OneChicago may waive this requirement and open for trading a security future with a new delivery month only if certain criteria are met.[5]

OneChicago believes that opening of new contract months for trading in underlying securities that have a market price per share of $3.00 or above is appropriate. The proposed rule change is reasonably designed to assure that security futures are not traded on securities that lack the sufficient liquidity needed to maintain fair and

[4] OneChicago states that under the comparable equity options listing standard requirement, the market price per share of the underlying security must be at or above a $3.00 last reported trade in the primary market in which the underlying security trades at the time a new series is added intraday, or for next-day or expiration series additions, at or above a $3.00 primary market closing price on the previous trading day. Since Single Stock Futures do not operate in the same manner as options, this requirement was modified to accommodate Single Stock Futures. OneChicago states that it only adds a new delivery month for trading once a month. Upon the expiration of the near term delivery month, OneChicago will open a new delivery month for trading. For example, when the February contract for XYZ expires on Friday, February 21, 2003, OneChicago would open for trading the May contract for XYZ, on Monday, February 24, 2003. All May contracts for all Single Stock Futures would be added on this date. Since new delivery months for Single Stock Futures are only added once a month, the proposed rule change requires that the market price (*e.g.*, primary market closing price) per share of the underlying security be at or above $3.00 on the day prior to the expiration of the nearest expiring Contract on the underlying security. In the example above, the market price of XYZ would have to be at or above $3.00 on Thursday, February 20, 2003 in order for OneChicago to open the May contract for XYZ on Monday, February 24, 2003. OneChicago proposes this date because it represents the previous trading day to the date OneChicago would be required to notify the clearing authorities that it intends to open a new delivery month for trading.

[5] OneChicago Maintenance Standard II.A.v. permits OneChicago to waive the market price per share requirement of at least $5.00 if the following criteria are met: (a)The aggregate market value of the underlying security equals or exceeds $50 million;

(b) Customer open interest (reflected on a two-sided basis) equals or exceeds 4,000 contracts for all delivery months;

(c) Its average daily trading volume (in all markets in which the underlying security is traded) has been at least 109,000 shares or receipts evidencing the underlying security in each of the preceding 12 months; and

(d) The market price per share or receipt of the underlying security closed at $3.00 or above on a majority of the business days during the preceding six calendar months, as measured by the highest closing price for the underlying security reported in any market in which the underlying security traded, and the market price per share or receipt of the underlying security is at least $3.00 at the time such additional series are authorized for trading. During the next consecutive six calendar month period, to satisfy this paragraph, the market price per share or receipt of the underlying security must be at least $4.00.

orderly markets, while at the same time, removing unnecessarily complex requirements. In addition, OneChicago believes that it is not necessary or desirable to restrict the ability of investors to trade Single Stock Futures that have underlying security trading between $3.00 and $5.00.

Section 6(h)(3)(C) of the Act requires that Listing Standards for security futures ''be no less restrictive than comparable Listing Standards for options traded on a national securities exchange''. * * *''[6] The Commission has approved similar rule changes for the Chicago Board Options Exchange, Inc. (''CBOE''),[7] the American Stock Exchange LLC (''Amex''),[8] the International Stock Exchange, Inc. (''ISE''),[9] the Philadelphia Stock Exchange, Inc. (''Phlx''),[10] and the Pacific Exchange, Inc. (''PCX'').[11] Since CBOE, Amex, ISE, Phlx and PCX have comparable maintenance Listing Standards, the proposed rule change meets the requirement of section 6(h)(3)(C) of the Act.[12]

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)(5) of the Act [13] in that it is reasonably designed to prevent fraudulent and manipulative acts and practices, and promote just and equitable principles of trade. The proposed rule change would also promote competition and is designed to protect investors and the public interest by providing products that could be used by investors for hedging and speculative purposes, while at the same time providing investor protection through the design of the proposed rule change and the Maintenance Standard requirement that would be applicable.

B. Self-Regulatory Organization's Statement on Burden on Competition

OneChicago does not believe that the proposed rule change will have a negative impact on competition. In fact, OneChicago believes the proposed rule change would promote competition since the proposed rule change is no less restrictive than comparable options exchanges.

C. Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received from Members, Participants, or Others

Comments on the proposed rule change have not been solicited and none have been received.[14]

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has become effective on February 24, 2003. Within 60 days of the date of effectiveness of the proposed rule change, the Commission, after consultation with the CFTC, may summarily abrogate the proposed rule change and require that the proposed rule change be refiled in accordance with the provisions of section 19(b)(1) of the Act.[15]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change conflicts with the Act. Persons making written submissions should file nine copies of the submission with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Comments also may be submitted electronically to the following e-mail address: *rule-comments@sec.gov.* 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 these filings also will be available for inspection and copying at the principal office of OneChicago. All submissions should refer to File No. SR-OC–2003–04 and should be submitted by April 1, 2003.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[16]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–5772 Filed 3–10–03; 8:45 am]

BILLING CODE 8010–01–P

[6] 15 U.S.C. 78f(h)(3)(C).

[7] *See* Securities Exchange Act Release No. 44964 (October 19, 2001), 66 FR 54559 (October 29, 2001).

[8] *See* Securities Exchange Act Release No. 59278 (November 16, 2001), 66 FR 59278 (November 27, 2001).

[9] *See* Securities Exchange Act Release No. 45087 (November 20, 2001), 66 FR 60232 (December 3, 2001).

[10] *See* Securities Exchange Act Release No. 45086 (November 19, 2001), 66 FR 59832 (November 30, 2001).

[11] *See* Securities Exchange Act Release No. 45038 (November 6, 2001), 66 FR 57764 (November 16, 2003).

[12] 15 U.S.C. 17f(h)(3)C).

[13] 15 U.S.C. 78f(b)(5).

[14] Telephone conversation between Madge M. Hamilton, Deputy General Counsel, OneChicago, and Christopher Solgan, Attorney, Division of Market Regulation, Commission, on February 27, 2003.

[15] 15 U.S.C. 78s(b)(1).

[16] 17 CFR 200.30–3(a)(75).

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–14813]

Issuer Delisting; Notice of Application of ThinkPath Inc. To Withdraw its Common Stock, No Par Value, From Listing and Registration on the Boston Stock Exchange, Inc.

March 5, 2003.

ThinkPath Inc., an Ontario corporation (''Issuer''), has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to section 12(d) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 12d2–2(d) thereunder,[2] to withdraw its Common Stock, no par value (''Security''), from listing and registration on the Boston Stock Exchange, Inc. (''BSE'' or ''Exchange'').

On February 24, 2003, the Board of Directors of the Issuer approved a resolution to withdraw the Security from listing on the BSE. The Issuer states that the following reason factored into the Board's decision to withdraw the Security: the overwhelming majority of its shareholders trade on the OTC Bulletin Board (''OTCBB'') and therefore the complying rules and administrative requirements of the BSE represent a significant cost to the Issuer and its shareholders without an apparent significant benefit. The Issuer believes that its Security will continue to trade on the OTCBB.

The Issuer stated in its application that it has complied with the Rules of the BSE that govern the removal of securities from listing and registration on the Exchange. The Issuer's application relates solely to the Security's withdrawal from listing on the BSE and from registration under section 12(b) of the Act [3] and shall not affect its obligation to be registered under section 12(g) of the Act.[4]

Any interested person may, on or before March 28, 2003, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street,

[1] 15 U.S.C. 78*l*(d).

[2] 17 CFR 240.12d2–2(d).

[3] 15 U.S.C. 78*l*(b).

[4] 15 U.S.C. 78*l*(g).

NW, Washington, DC 20549–0609, facts bearing upon whether the application has been made in accordance with the rules of the BSE and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Jonathan G. Katz,

Secretary.

[FR Doc. 03–5771 Filed 3–10–03; 8:45 am]

BILLING CODE 8010–01–P

[5] 17 CFR 200.30–3(a)(1).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 25961; 812–12911]

PowerShares Exchange-Traded Fund Trust, et al.; Notice Of Application

March 4, 2003.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 24(d) of the Act and rule 22c–1 under the Act, and under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and (a)(2) of the Act.

SUMMARY OF APPLICATION: Applicants request an order that would permit (a) series of an open-end management investment company, whose portfolios will consist of the component securities of certain domestic equity securities indexes, to issue shares of limited redeemability; (b) secondary market transactions in the shares of the series to occur at negotiated prices on the American Stock Exchange LLC (''AMEX'') or other national securities exchange; (c) dealers to sell shares of the series of the Trust to purchasers in the secondary market unaccompanied by a prospectus, when prospectus delivery is not required by the Securities Act of 1933 (the ''Securities Act''); and (d) affiliated persons of the series to deposit securities into, and receive securities from, the series in connection with the purchase and redemption of aggregations of the series' shares.

APPLICANTS: PowerShares Exchange-Traded Fund Trust; (the ''Trust''), PowerShares Capital Management LLC (the ''Adviser''), and ALPS Distributors, Inc. (the ''Distributor'').

FILING DATES: The application was filed on December 16, 2002, and amended on January 24, 2003. Applicants have agreed to file an amendment during the notice period, the substance of which is reflected in this notice.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 27, 2003, and should be accompanied by proof of service on applicants, in the form of an affidavit, or for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Commission, 450 Fifth Street NW., Washington, DC 20549–0609. Applicants: Trust and Adviser, 855 West Prairie Avenue, Wheaton, IL 60187; Distributor, 1625 Broadway, Suite 2200, Denver, CO 80202.

FOR FURTHER INFORMATION CONTACT: Bruce R. MacNeil, Senior Counsel, at (202) 942–0634, or Michael W. Mundt, Senior Special Counsel, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549–0102 (telephone (202) 942–8090).

Applicants' Representations

1. The Trust is an open-end management investment company registered under the Act and organized as a Massachusetts business trust. The Trust intends to offer two series (each a ''Fund,'' which term includes ''Future Funds'' as defined below). The Adviser is registered as an investment adviser under the Investment Advisers Act of 1940 and will serve as the investment adviser to each Fund. The Distributor, a broker-dealer registered under the Securities Exchange Act of 1934 (the ''Exchange Act''), will serve as the principal underwriter for each Index Fund. The Adviser may in the future retain one or more sub-advisers for managing one or more of the Funds for which it will act as the investment adviser.

2. Each Fund will invest in a portfolio of equity securities (''Portfolio Securities'') generally consisting of the component securities of a specified domestic equity securities index (the ''Underlying Indexes'').[1] In the future, applicants may offer additional Funds based on other Underlying Indexes (''Future Funds''). Any Future Fund will (a) be advised by the Adviser or an entity controlled by or under common control with the Adviser and (b) comply with the terms and conditions of the order. No entity that creates, compiles, sponsors or maintains an Underlying Index is or will be an affiliated person, as defined in section 2(a)(3) of the Act, or an affiliated person of an affiliated person, of the Trust, the Adviser, any sub-adviser to a Fund, the Distributor, or a promoter of a Fund.

3. The investment objective of each Fund will be to provide investment results that generally correspond, before fees and expenses, to the total return of the relevant Underlying Index.[2] Intra-day values of each Underlying Index will be disseminated every 15 seconds throughout the trading day. Each Fund will utilize as an investment approach either a replication strategy or a representative sampling strategy. An Index Fund using a replication strategy generally will hold most of the component securities of the Underlying Index in the same approximate proportions as the Underlying Index, but may not hold all of the securities that comprise the Underlying Index in certain instances. This may be the case when, for example, a potential component security is illiquid or when there are practical difficulties or substantial costs involved in holding every security in an Underlying Index. An Index Fund using a representative sampling strategy seeks to hold a representative sample of the component securities of the Underlying Index and will invest in some but not all of the component securities of its Underlying Index.[3] Applicants anticipate that a

[1] Dynamic Market Portfolio Intellidex and Dynamic OTC Portfolio Intellidex are the Underlying Indexes for the initial Funds.

[2] A Fund will invest at least 90% of its assets in the component securities of its Underlying Index. A Fund may invest up to 10% of its assets in securities, options and futures not included in the Underlying Index but which the Adviser believes will help the Fund track the Underlying Index.

[3] The stocks selected for inclusion in an Index Fund by the Advisor will have aggregate investment characteristics (based on market capitalization and

Fund that utilizes a representative sampling strategy will not track its Underlying Index with the same degree of accuracy as an investment vehicle that invested in every component security of the Underlying Index with the same weighting as the Underlying Index. Applicants expect that each Fund will have a tracking error relative to the performance of its respective Underlying Index of less than 5 percent.

4. Shares of the initial Index Funds (''Shares'') will be sold in aggregations of 50,000 Shares, and Shares of Future Index Funds will be sold in aggregations of either 25,000 or 50,000 Shares (such aggregations, ''Creation Units''), as specified in the relevant prospectus. The price of a Creation Unit will range from $1,000,000 to $12,500,000. Creation Units may be purchased only by or through a party that has entered into an agreement with the Distributor regarding creations and redemptions of Creation Units (an ''Authorized Participant''). An Authorized Participant must be either (a) a broker-dealer or other participant in the continuous net settlement system of the National Securities Clearing Corporation, a clearing agency that is registered with the Commission, or (b) a participant in the Depository Trust Company (''DTC'') system. Creation Units generally will be issued in exchange for an in-kind deposit of securities and cash. A Fund also may sell Creation Units on a cash-only basis in limited circumstances. An investor wishing to purchase a Creation Unit from a Fund will have to transfer to the Fund a ''Fund Deposit'' consisting of: (a) A portfolio of securities that has been selected by the Adviser to correspond to the returns on the relevant Underlying Index (''Deposit Securities''), and (b) a cash payment to equalize any differences between the market value per Creation Unit of the Deposit Securities and the net asset value (''NAV'') per Creation Unit (''Cash Component'').[4] An investor purchasing a Creation Unit from a Fund will be charged a fee (''Transaction Fee'') to prevent the dilution of the interests of the remaining shareholders resulting from the Fund incurring costs in connection with the purchase of the Creation Units.[5] Each Fund will disclose the Transaction Fees charged by the Fund in its prospectus and the method of calculating the Transaction Fees in its prospectus or statement of additional information (''SAI'').

5. Orders to purchase Creation Units of a Fund will be placed with the Distributor who will be responsible for transmitting each order to each Fund. The Distributor will issue, and maintain records of, confirmations of acceptance to purchasers of Creation Units and delivery instructions to the Trust (to implement the delivery of Creation Units). The Distributor will also be responsible for delivering prospectuses to purchasers of Creation Units.

6. Persons purchasing Creation Units from a Fund may hold the Shares or sell some or all of them in the secondary market. Shares of the Funds will be listed on the AMEX or other U.S. national securities exchange, as defined in section 2(a)(26) of the Act (each, including AMEX, a ''Stock Exchange'') and traded in the secondary market in the same manner as other equity securities. A Stock Exchange specialist (''Specialist'') will be assigned to make a market in Shares. The price of Shares traded on a Stock Exchange will be based on a current bid/offer market. Each Share is currently expected to have a market value of between $40 and $250. Transactions involving the sale of Shares in the secondary market will be subject to customary brokerage commissions and charges.

7. Applicants expect that purchasers of Creation Units will include institutional investors and arbitrageurs (which could include institutional investors). The Specialist, in providing for a fair and orderly secondary market for Shares, also may purchase Creation Units for use in its market-making activities. Applicants expect that secondary market purchasers of Shares will include both institutional and retail investors.[6] Applicants expect that the price at which the Shares trade will be disciplined by arbitrage opportunities created by the ability to continually purchase or redeem Creation Units at their NAV, which should ensure that the Shares will not trade at a material discount or premium in relation to their NAV.

8. Shares will not be individually redeemable. Shares will only be redeemable in Creation Units through a Fund. To redeem, an investor will have to accumulate enough Shares to constitute a Creation Unit. An investor redeeming a Creation Unit generally will receive (a) the Portfolio Securities designated to be delivered for Creation Unit redemptions on the date the request for redemption is made (''Redemption Securities''), which may not be identical to the Deposit Securities applicable to the purchase of Creation Units, and (b) a ''Cash Redemption Payment,'' consisting of an amount calculated in the same manner as the Cash Component, although the actual amount of the Cash Redemption Payment may differ from the Cash Component if the Redemption Securities are not identical to the Deposit Securities on a given day. An investor may receive the cash equivalent of a Redemption Security upon its request if, for example, the investor were constrained from effecting transactions in the Redemption Security by regulation or policy.

9. A redeeming investor will pay a Transaction Fee to offset transaction costs, whether the redemption proceeds are in kind or cash. When an investor redeems for cash rather than in kind, the investor may pay a higher Transaction Fee. Such Transaction Fee will be calculated in the same manner as a Transaction Fee payable in connection with the purchase of a Creation Unit.

10. Applicants state that neither the Trust nor any Fund will be marketed or otherwise held out as a ''mutual fund.'' Rather, applicants state that each Fund will be marketed as an ''exchange-traded fund.'' No Fund marketing materials (other than as required in the prospectus) will refer to a Fund as an ''open-end'' or ''mutual fund,'' except to contrast a Fund with a conventional open-end management investment company. In all marketing materials where the method of obtaining, buying, or selling Shares is described, applicants will include a statement to the effect that Shares are not redeemable through a Fund except in Creation Units. The same type of disclosure will be provided in each Fund's prospectus, SAI, advertising materials, and all reports to shareholders. The Funds will provide copies of their annual and semi-

industry weightings), fundamental characteristics (such as return variability, earnings valuation and yield) and liquidity measures similar to those of the relevant Underlying Index taken in its entirety.

[4] On each business day, prior to the opening of trading on the AMEX, the Adviser or Sub-Adviser will make available a list of the names and the required number of shares of each Deposit Security required for the Fund Deposit for each Fund. That Fund Deposit will apply to all purchases of Creation Units until a new Fund Deposit for a Fund is announced. Each Fund reserves the right to permit or require the substitution of an amount of cash in lieu of depositing some or all of the Deposit Securities in certain circumstances. The AMEX or other Stock Exchange (as defined below) will disseminate every 15 seconds throughout the trading day via the facilities of the Consolidated Tape Association an amount representing on a per share basis the sum of the current value of the Deposit Securities and the estimated Cash Component.

[5] When a Fund permits a purchaser to substitute cash for Deposit Securities, the purchaser may be assessed an additional fee to offset the brokerage and other transaction costs associated with using cash to purchase the requisite Deposit Securities.

[6] Shares will be registered in book-entry form only. DTC or its nominee will be the registered owner of all outstanding Shares. DTC or its participants will maintain records reflecting the beneficial owners of Shares.

annual shareholder reports to DTC participants for distribution to beneficial holders of Shares.

Applicants' Legal Analysis

1. Applicants request an order under section 6(c) of the Act granting an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 24(d) of the Act and rule 22c–1 under the Act; and under sections 6(c) and 17(b) of the Act granting an exemption from sections 17(a)(1) and (a)(2) of the Act.

2. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction, or any class of persons, securities or transactions, from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Sections 5(a)(1) and 2(a)(32) of the Act

3. Section 5(a)(1) of the Act defines an ''open-end company'' as a management investment company that is offering for sale or has outstanding any redeemable security of which it is the issuer. Section 2(a)(32) of the Act defines a redeemable security as any security, other than short-term paper, under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent. Because Shares will not be individually redeemable, applicants request an order that would permit the Trust to register as an open-end management investment company and issue Shares that are redeemable in Creation Units only. Applicants state that investors may purchase Shares in Creation Units from each Fund and redeem Creation Units. Applicants further state that because the market price of Shares will be disciplined by arbitrage opportunities, investors should be able to sell Shares in the secondary market at prices that do not vary substantially from their NAV.

Section 22(d) of the Act and Rule 22c–1 Under the Act

4. Section 22(d) of the Act, among other things, prohibits a dealer from selling a redeemable security, which is currently being offered to the public by or through a principal underwriter, except at a current public offering price described in the prospectus. Rule 22c–1 under the Act generally requires that a dealer selling, redeeming, or repurchasing a redeemable security do so only at a price based on its NAV. Applicants state that secondary market trading in Shares will take place at negotiated prices, not at a current offering price described in the prospectus, and not at a price based on NAV. Thus, purchases and sales of Shares in the secondary market will not comply with section 22(d) of the Act and rule 22c–1 under the Act. Applicants request an exemption under section 6(c) from these provisions.

5. Applicants assert that the concerns sought to be addressed by section 22(d) of the Act and rule 22c–1 under the Act with respect to pricing are equally satisfied by the proposed method of pricing Shares. Applicants maintain that while there is little legislative history regarding section 22(d), its provisions, as well as those of rule 22c–1, appear to have been designed to (a) prevent dilution caused by certain riskless-trading schemes by principal underwriters and contract dealers, (b) prevent unjust discrimination or preferential treatment among buyers resulting from sales at different prices, and (c) assure an orderly distribution of investment company shares by eliminating price competition from dealers offering shares at less than the published sales price and repurchasing shares at more than the published redemption price.

6. Applicants believe that none of these purposes will be thwarted by permitting Shares to trade in the secondary market at negotiated prices. Applicants state that (a) secondary market trading in Shares does not involve the Funds as parties and cannot result in dilution of an investment in Shares, and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces, such as supply and demand. Therefore, applicants assert that secondary market transactions in Shares will not lead to discrimination or preferential treatment among purchasers. Finally, applicants contend that the proposed distribution system will be orderly because arbitrage activity will ensure that the difference between the market price of Shares and their NAV remains narrow.

Section 24(d) of the Act

7. Section 24(d) of the Act provides, in relevant part, that the prospectus delivery exemption provided to dealer transactions by section 4(3) of the Securities Act does not apply to any transaction in a redeemable security issued by an open-end investment company. Applicants request an exemption from section 24(d) to permit dealers selling Shares to rely on the prospectus delivery exemption provided by section 4(3) of the Securities Act.[7]

8. Applicants state that Shares will be listed on a Stock Exchange and will be traded in a manner similar to other equity securities, including the shares of closed-end investment companies. Applicants note that dealers selling shares of closed-end investment companies in the secondary market generally are not required to deliver a prospectus to the purchaser. Applicants contend that Shares, as a listed security, merit a reduction in the compliance costs and regulatory burdens resulting from the imposition of prospectus delivery obligations in the secondary market. Because Shares will be exchange-listed, prospective investors will have access to several types of market information about Shares. Applicants state that information regarding market price and volume will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. The previous day's closing price and volume information for Shares also will be published daily in the financial section of newspapers. The website maintained for the Trust will include, for each Fund, the prior business day's NAV, the mid-point of the bid-ask spread at the time of calculation of NAV (''Bid-Ask Price'') and calculation of the premium or discount of the Bid-Ask Price at the time of calculation of the NAV against such NAV, and data in chart format displaying the frequency distribution of discounts and premiums of the Bid/Ask Price against the NAV, within

[7] Applicants do not seek relief from the prospectus delivery requirement for non-secondary market transactions, including purchases of Creation Units or those involving an underwriter. Applicants state that persons purchasing Creation Units will be cautioned in a Fund's prospectus that some activities on their part may, depending on the circumstances, result in their being deemed statutory underwriters and subject them to the prospectus delivery and liability provisions of the Securities Act. For example, a broker-dealer firm and/or its client may be deemed a statutory underwriter if it takes Creation Units after placing an order with the Adviser, breaks them down into the constituent Shares, and sells Shares directly to its customers, or if it chooses to couple the purchase of a supply of new Shares with an active selling effort involving solicitation of secondary market demand for Shares. A Fund's prospectus will state that whether a person is an underwriter depends upon all the facts and circumstances pertaining to that person's activities. A Fund's prospectus also will state that dealers who are not ''underwriters'' but are participating in a distribution (as contrasted to ordinary secondary market trading transactions), and thus dealing with Shares that are part of an ''unsold allotment'' within the meaning of section 4(3)(C) of the Securities Act, would be unable to take advantage of the prospectus delivery exemption provided by section 4(3) of the Securities Act.

appropriate ranges, for each of the four previous calendar quarters.[8]

9. Investors also will receive a product description (''Product Description'') describing a Fund and its Shares. Applicants state that, while not intended as a substitute for a Prospectus, the Product Description will contain information about Shares that is tailored to meet the needs of investors purchasing Shares in the secondary market.

Sections 17(a)(1) and (2) of the Act

10. Section 17(a) of the Act generally prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling any security to or purchasing any security from the company. Section 2(a)(3) of the Act defines ''affiliated person'' to include any person directly or indirectly owning, controlling, or holding with power to vote 5% or more of the outstanding voting securities of the other person and any person directly or indirectly controlling, controlled by, or under common control with, the other person. Section 2(a)(9) of the Act provides that a control relationship will be presumed where one person owns more than 25% of another person's voting securities. Applicants state that because the definition of ''affiliated person'' includes any person owning 5% or more of an issuer's outstanding voting securities, every purchaser of a Creation Unit will be affiliated with the Fund so long as fewer than twenty Creation Units are in existence, and any purchaser that owns more than 25% more of a Fund's outstanding Shares will be affiliated with a Fund. Applicants request an exemption from section 17(a) under sections 6(c) and 17(b), to permit persons that are affiliated persons of the Funds solely by virtue of a 5% or more or more than 25% ownership interest (or affiliated persons of such affiliated persons that are not otherwise affiliated with the Funds) to purchase and redeem Creation Units through ''in-kind'' transactions.

11. Section 17(b) of the Act authorizes the Commission to exempt a proposed transaction from section 17(a) of the Act if evidence establishes that the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policies of the registered investment company and the general provisions of the Act. Applicants contend that no useful purpose would be served by prohibiting the affiliated persons of a Fund described above from purchasing or redeeming Creation Units through ''in-kind'' transactions. The deposit procedure for in-kind purchases and the redemption procedure for in-kind redemptions will be the same for all purchases and redemptions. Deposit Securities and Redemption Securities will be valued under the same objective standards applied to valuing Portfolio Securities. Therefore, applicants state that in-kind purchases and redemptions will afford no opportunity for the affiliated persons, and the affiliated persons of the affiliated persons, described above, of a Fund to effect a transaction detrimental to the other holders of Shares. Applicants also believe that in-kind purchases and redemptions will not result in abusive self-dealing or overreaching by these persons of the Index Fund.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. Applicants will not register a Future Fund by means of filing a post-effective amendment to the Trust's registration statement or by any other means, unless (a) applicants have requested and received with respect to such Future Fund, either exemptive relief from the Commission or a no-action letter from the Division of Investment Management of the Commission; or (b) the Future Fund will be listed on a Stock Exchange without the need for a filing pursuant to rule 19b-4 under the Exchange Act.

2. Each Fund's prospectus and Product Description will clearly disclose that, for purposes of the Act, Shares are issued by the Fund and that the acquisition of Shares by investment companies is subject to the restrictions of section 12(d)(1) of the Act.

3. As long as the Trust operates in reliance on the requested order, the Shares will be listed on a Stock Exchange.

4. Neither the Trust nor any Fund will be advertised or marketed as an open-end fund or a mutual fund. Each Fund's prospectus will prominently disclose that the Shares are not individually redeemable shares and will disclose that the owners of the Shares may acquire those Shares from the Fund and tender those Shares for redemption to the Fund in Creation Units only. Any advertising material that describes the purchase or sale of Creation Units or refers to redeemability will prominently disclose that the Shares are not individually redeemable and that owners of the Shares may acquire those Shares from the Fund and tender those Shares for redemption to the Fund in Creation Units only.

5. The website for the Trust, which is and will be publicly accessible at no charge, will contain the following information, on a per Share basis, for each Fund: (a) The prior business day's NAV and the Bid/Ask Price, and a calculation of the premium or discount of the Bid/Ask Price at the time of calculation of NAV against such NAV; and (b) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. In addition, the Product Description for each Fund will state that the website for the Fund has information about the premiums and discounts at which the Fund's Shares have traded.

6. The prospectus and annual report for each Fund will also include: (a) The information listed in condition 5(b), (i) in the case of the prospectus, for the most recently completed year (and the most recently completed quarter or quarters, as applicable) and (ii) in the case of the annual report, for the immediately preceding five years, as applicable; and (b) the following data, calculated on a per Share basis for one, five and ten year periods (or life of the Funds), (i) the cumulative total return and the average annual total return based on NAV and Bid/Ask Price, and (ii) the cumulative total return of the relevant Underlying Index.

7. Before a Fund may rely on the order, the Commission will have approved, pursuant to rule 19b–4 under the Exchange Act, a Stock Exchange rule requiring Stock Exchange members and member organizations effecting transactions in Shares to deliver a Product Description to purchasers of Shares.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–5665 Filed 3–10–03; 8:45 am]

BILLING CODE 8010–01–P

[8] The Bid/Ask Price per Share of a Fund is determined using the highest bid and the lowest offer on the Stock Exchange at the time of calculation of such Fund's NAV.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–47444; File No. SR–NASD–2003–25]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to Proposed Temporary Fee Reductions and Extension on Pilot Basis of NASD Rule 7010(k) Relating to Fees for the Trade Reporting and Compliance Engine (TRACE)

March 4, 2003.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and rule 19b–4 thereunder,[2] notice is hereby given that on February 27, 2003, the National Association of Securities Dealers, Inc. (''NASD''), filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in items I, II, and III below, which items have been prepared by NASD. NASD has designated the proposed rule change as ''establishing or changing a due, fee, or other charge'' under section 19(b)(3)(A)(ii) of the Act[3] and rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASD is proposing to amend NASD rule 7010(k) relating to fees for the Trade Reporting and Compliance Engine (''TRACE'') prior to the expiration of the pilot program for fees on February 28, 2003. NASD is proposing to extend the pilot program for TRACE fees to June 30, 2003, to provide a temporary reduction of certain fees for a one calendar month period during the pilot period, and to clarify certain language relating to the Bond Trade Dissemination Service (''BTDS'') fees. In addition, NASD is proposing to clean up the rule text by deleting references to certain services, and their corresponding fees, that were previously eliminated. As a result of the proposed rule change, the current fee structure, subject to the temporary reductions being implemented, would remain in effect to June 30, 2003. Below is the text of the proposed rule change. Proposed new language is italicized; proposed deletions are in brackets.

* * * * *

7010. System Services

(k) Trade Reporting and Compliance Engine (TRACE)

(Rule 7010(k) shall expire on [February 28] *June 30*, 2003, unless amended, extended, or permanently adopted by NASD pursuant to SEC approval at or before such date).

The following charges shall be paid by participants for the use of the Trade Reporting and Compliance Engine (''TRACE''):

System fees	Transaction reporting fees	Market data fees
From 07/01/02 to 12/31/02: Web Browser Access: $85/month for 1 user ID; $75/month for 2–9 user IDs; $70/month for 2–10+ user IDs, except If less than 25 trades per month, in October, November, or December 2002—$25/month per user ID.	From 07/01/02 to 12/31/02: Trades up to and including $200,000 par value—$0.50/trade; Trades between $201,000 and $999,999 par value—$0.0025 times the number of bonds traded/trade; Trades of $1,000,000 par value or more—$2.50/trade.	BTDS Professional Display—$60/month per terminal, *except* *For a period of one calendar month to be announced: Waiver of fee ($0).*
From 01/01/03 to [02/28/03] *06/30/03*: Level I Trade Report Only Web Browser Access—$25/month per user ID; Level II Full Service Web Browser Access—$85/month per user ID, *except* *For a period of one calendar month to be announced: Level II Full Service Web Browser Access—$25/month per user ID.*	From 01/01/03 to [02/28/03] *06/30/03*: Trades up to and including $200,000 par value—$0.475/trade; Trades between $201,000 and $999,999 par value—$0.002375 times the number of bonds traded/trade; Trades of $1,000,000 par value or more—$2.375/trade.	
CTCI—$25/month/line.	From 07/01/02 to 12/31/02: Cancel/Correct—$3/trade, except For October 2002—$1.50/trade; For November 2002—$2.25/trade From 01/01/03 to [02/28/03] *06/30/03*: Cancel/Correct—$1.50/trade.	BTDS Internal Usage Authorization—$500/month per [organization] *application/service.*
Third Party—$25/month.	From 07/01/02 to 12/31/02: ''As of'' Trade Late—$3/trade, except For October 2002—$1.50/trade; For November 2002—$2.25/trade. From 01/01/03 to [02/28/03] *06/30/03*: ''As of'' Trade Late— $3/trade.	BTDS External Usage Authorization—$1,000/month per [organization] *application/service.*
[From 07/01/02 to 12/31/02: PDN Administrative—$100/month/line] [As of 01/01/03: PDN service and corresponding fee eliminated].	Browse & Query—$0.05 after first page.	BTDS Non-Professional Display—$1/month per terminal. [From 07/01/02 to 12/31/02: Daily List Fax—$15/month per fax number/addressee]. [As of 01/01/03: Daily List Fax service and corresponding fee eliminated].

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

(1) System Related Fees. There are three methods by which a member may report corporate bond transactions that are reportable to NASD pursuant to the Rule 6200 Series. A member may choose among the following methods to report data to NASD: (a) a TRACE web browser [(either over the Internet or a secure private data network (''PDN'')]; (b) a Computer-to-Computer Interface (''CTCI'') (either one dedicated solely to TRACE or a multi-purpose line); or (c) a third-party reporting intermediary. Fees will be charged based on the reporting methodology selected by the member.

(A) Web Browser Access

(i) For the period commencing July 1, 2002, and ending December 31, 2002, the charge to be paid by a member that elects to report TRACE data to NASD via a TRACE web browser shall be as follows: for the first user ID registered, a charge of $85 per month; for the next two through nine user IDs registered, a charge of $75 per month, per such additional user ID; and for ten or more user IDs registered, a charge of $70 per month, per user ID from two to ten or more. If a member reports less than 25 trades per month to the TRACE system in October, November, or December 2002, the charge to be paid by a member for the TRACE web browser shall be $25, per such month, per user ID.

(ii) For the period commencing January 1, 2003, and ending [February 28] *June 30*, 2003, the charge to be paid by a member that elects to report TRACE data to NASD via a TRACE web browser shall be as follows: $25 per month, per user ID for Level I Web Trade Report Only Browser Access and $85 per month, per user ID for Level II Full Service Web Browser Access. *Notwithstanding the above sentence, following the effective date of increased bond data dissemination as approved by the SEC on January 31, 2003*[5]*, NASD shall announce a period of one calendar month during which the charge for Level II Full Service Web Browser Access shall be $25 per month, per user ID.*

(iii) A member that elects to report TRACE data to NASD via a web browser over a secure PDN rather than over the Internet shall pay an additional administrative charge of $100 per month, per line.[6] As of January 1, 2003, PDN service and the corresponding fee shall be eliminated.]

(B) Computer-to-Computer Interface Access

No change.

(C) Third Party Access—Indirect Reporting

No change.

(2) Transaction Reporting Fees

For each transaction in corporate bonds that is reportable to NASD pursuant to the Rule 6200 Series, the following charges shall be assessed against the member responsible for reporting the transaction:

(A) Trade Reporting Fee

(i) For the period commencing July 1, 2002, and ending December 31, 2002, a member shall be charged a Trade Reporting Fee based upon a sliding scale ranging from $0.50 to $2.50 per transaction based on the size of the reported transaction. Trades up to and including $200,000 par value will be charged a $0.50 fee per trade; trades between $201,000 par value and $999,999 par value will be charged a fee of $0.0025 multiplied by the number of bonds traded per trade; and trades of $1,000,000 par value or more will be charged a fee of $2.50 per trade.

(ii) For the period commencing January 1, 2003, and ending [February 28] *June 30*, 2003, a member shall be charged a Trade Reporting Fee based upon a sliding scale ranging from $0.475 to $2.375 per transaction based on the size of the reported transaction. Trades up to and including $200,000 par value will be charged a $0.475 fee per trade; trades between $201,000 par value and $999,999 par value will be charged a fee of $0.002375 multiplied by the number of bonds traded per trade; and trades of $1,000,000 par value or more will be charged a fee of $2.375 per trade.

(B) Cancel or Correct Trade Fee

For the period commencing July 1, 2002, and ending December 31, 2002, a member shall be charged a Cancel or Correct Trade Fee of $3.00 per canceled or corrected transaction. To provide firms with time to adjust to the new reporting system, the Cancel or Correct Trade Fee will not be charged until the later of October 1, 2002, or 90 days after the effective date of TRACE. For the month of October 2002, the Cancel or Correct Trade Fee shall be $1.50 per canceled or corrected transaction. For the month of November 2002, the Cancel or Correct Trade Fee shall be $2.25 per canceled or corrected transaction. For the period commencing January 1, 2003, and ending [February 28] *June 30*, 2003, a member shall be charged a Cancel or Correct Trade Fee of $1.50 per canceled or corrected transaction.

(C) ''As of'' Trade Late Fee

For the period commencing July 1, 2002, and ending December 31, 2002, a member shall be charged an ''As of'' Trade Late Fee of $3.00 per transaction for those transactions that are not timely reported ''As of'' as required by these rules. To provide firms with time to adjust to the new reporting system, the ''As of'' Trade Late Fee will not be charged until the later of October 1, 2002, or 90 days after the effective date of TRACE. For the month of October 2002, the ''As of'' Trade Late Fee shall be $1.50 per such transaction. For the month of November 2002, the ''As of'' Trade Late Fee shall be $2.25 per such transaction. For the period commencing January 1, 2003, and ending [February 28] *June 30*, 2003, a member shall be charged an ''As of'' Trade Late Fee of $3.00 per canceled or corrected transaction.

(D) Browse and Query Fee

Members may review their own previously reported transaction data through a Browse and Query function. A member shall be charged $0.05 for each returned page of the query beyond the first page.

(3) Market Data Fees

Professionals and non-professionals may subscribe to receive real-time TRACE data disseminated by NASD in one or more of the following ways for the charges specified. Members, vendors and other redistributors shall be required to execute appropriate agreements with NASD.

(A) Professional Fees

Professionals may subscribe for the following:

(i) Bond Trade Dissemination Service (''BTDS'') Professional Display Fee of $60 per month, per terminal charge for each interrogation or display device receiving real-time TRACE transaction data. *Notwithstanding the above sentence, following the effective date of increased bond data dissemination as approved by the SEC on January 31, 2003*[7]*, NASD shall announce a period of*

[5] On January 31, 2003, the SEC approved amendments to NASD rule 6250 of the TRACE rules that will allow NASD to begin disseminating transaction information on more than 4,000 qualifying Investment Grade corporate debt securities. *See* Securities Exchange Act Release No. 47302 (January 31, 2003), 68 FR 6233 (February 6, 2003) (File No. SR–NASD–2002–174).

[6] Charges that may be imposed by third parties, such as network providers, are not included in these fees.

[7] On January 31, 2003, the SEC approved amendments to NASD rule 6250 of the TRACE rules that will allow NASD to begin disseminating

Continued

one calendar month during which NASD shall waive the $60 per terminal, per month charge.

(ii) BTDS Internal Usage Authorization Fee of $500 per month, per [organization] *application/service* charge for internal dissemination of real-time TRACE transaction data used in one or more of the following ways: internal operational and processing systems, internal monitoring and surveillance systems, internal price validation, internal portfolio valuation services, internal analytical programs leading to purchase/sale or other trading decisions, and other related activities.[8]

(iii) BTDS External Usage Authorization Fee of $1,000 per month, per [organization] *application/service* charge for dissemination of real-time TRACE transaction data used in one or more of the following ways: repackaging of market data for delivery and dissemination outside the organization, such as indices or other derivative products.[9]

(B) Non-Professional Fees

No change.

(C) Non-Professional Defined

No change.

(4) Daily List Fax Service

Each subscriber for NASD's Daily List Fax Service shall be charged $15 per month, per fax number/addressee. As of January 1, 2003, Daily List Fax service and the corresponding fee shall be eliminated.]

* * * * *

II. 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

On July 1, 2002, the Trade Reporting and Compliance Engine (TRACE) became effective. On June 28, 2002, the Commission approved proposed NASD fees relating to the operation of the TRACE system (rule 7010(k)) on a pilot basis for a six-month period expiring on December 28, 2002.[10] As part of that rule filing (Amendment No. 3 to SR–NASD–2002–63), NASD committed to review and reassess the proposed TRACE fees as soon as practicable and within six months after the effective date of TRACE, based on such factors as actual volume, usage, costs, and revenues.

On November 15, 2002, NASD submitted a proposed rule change to the SEC to reduce certain TRACE fees for the fourth quarter of 2002 (*i.e.*, the Web Browser Access Fee, the Cancel or Correct Fee, and the ''As of'' Trade Late Fee). These fees were reduced effective as of October 1, 2002.[11]

On December 12, 2002, NASD submitted a proposed rule change to the SEC to extend the pilot program for TRACE fees to February 28, 2003, and to modify the pilot effective January 1, 2003.[12] As of January 1, 2003, NASD divided the Web Browser Access Fee into two service levels '' Level I with no access to real-time TRACE data, and Level II with access to real-time TRACE data. A participant who registers for Level I Trade Report Only Web Browser Access will be able to report TRACE data to NASD over the Internet. Level I Trade Report Only Web Browser Access will allow a participant to report TRACE data to NASD, but will not allow a participant to receive real-time TRACE transaction data. The fee for Level I Trade Report Only Web Browser Access is $25 per month, per user ID. A participant who registers for Level II Full Service Web Browser Access will be able to report TRACE data to NASD over the Internet and to use a query feature to receive real-time TRACE transaction data. The fee for Level II Full Service Web Browser Access is $85 per month, per user ID. A participant may register for a combination of Level I and Level II service based on their usage and needs.

As of January 1, 2003, NASD also reduced trade reporting fees by 5% for 2003 and reduced the Cancel or Correct Fee from $3.00 to $1.50 effective January 1, 2003. The ''As of'' Trade Late Fee will remain at $3.00 per trade.

To provide additional transparency in the debt market, NASD submitted a rule filing with the Commission to increase the categories of TRACE eligible-securities for which transaction data should be required to be disseminated by NASD (''Phase II''). On December 6, 2002, NASD submitted a rule filing to amend, among other things, NASD rule 6250 to provide for the dissemination of transaction information on additional Investment Grade TRACE-eligible securities under the NASD rule 6200 Series (also known as the ''TRACE Rules''). On January 31, 2003, the SEC approved these amendments to NASD rule 6250 of the TRACE rules.[13] Approximately 520 bonds have been subject to dissemination since TRACE began on July 1, 2002.[14] NASD believes Phase II will substantially increase the amount of information available to the public and market participants about debt markets. NASD believes that under Phase II, over 4,000 TRACE eligible-securities will be subject to dissemination under NASD rule 6250.

Temporary Fee Holiday of BTDS Professional Display Fee

To improve transparency and provide subscribers a ''trial month'' to explore the services provided by the Bond Trade Dissemination Service (''BTDS'') terminals, NASD is proposing to provide a temporary fee holiday from the BTDS Professional Display Fee to subscribers for a period of one calendar month to be announced following the start of Phase II TRACE data dissemination. During this one-month period, NASD shall not charge

transaction information on more than 4,000 qualifying Investment Grade corporate debt securities. *See* Securities Exchange Act Release No. 47302 (January 31, 2003), 68 FR 6233 (February 6, 2003) (File No. SR–NASD–2002–174).

[8] Under this service, real-time TRACE transaction data may not be used in any interrogation display devices, any systems that permit end users to determine individual transaction pricing in real-time, or disseminated to any external source.

[9] Under this service, real-time TRACE transaction data may not be used in any interrogation display devices or any systems that permit end users to determine individual transaction pricing in real-time.

[10] The Commission approved rule 7010(k) relating to TRACE fees on June 28, 2002, on a six-month pilot basis. *See* Securities Exchange Act Release No. 46145 (June 28, 2002), 67 FR 44911 (July 5, 2002) (File No. SR–NASD–2002–63).

[11] On November 22, 2002, the Commission issued a notice of the filing and immediate effectiveness of this proposed rule change. *See* Securities Exchange Act Release No. 46893 (November 22, 2002), 67 FR 72008 (December 3, 2002) (SR–NASD–2002–167).

[12] On December 19, 2002, the Commission issued a notice of the filing and immediate effectiveness of this proposed rule change. *See* Securities Exchange Act Release No. 47056 (December 19, 2002), 67 FR 79205 (December 27, 2002) (File No. SR–NASD–2002–176).

[13] *See* Securities Exchange Act Release No. 47302 (January 31, 2003), 68 FR 6233 (February 6, 2003) (File No. SR–NASD–2002–174).

[14] Minor fluctuations in the number of bonds disseminated occur because newly issued bonds are added if they meet the dissemination criteria, and outstanding bonds on which information is disseminated may no longer be disseminated, if, at some point, they fail to meet the dissemination criteria, or mature, or are retired.

subscribers the current $60 per month, per terminal charge.

Temporary Reduction of Level II Full Service Web Browser Access Fee

To further improve transparency and provide subscribers a ''trial month'' to explore the additional services provided by Level II Full Service Web Browser Access, NASD is proposing a temporary fee reduction on the current Level II Full Service Web Browser Access Fee. The current fee is $85 per month, per user ID. NASD is proposing to temporarily reduce the Level II Full Service Web Browser Access Fee to subscribers for a period of one calendar month to be announced following the start of Phase II TRACE data dissemination. During this one-month period, NASD will reduce the charge for Level II Full Service Web Browser Access to $25 per month, per terminal.

Clarified Language of BTDS Fees

NASD is proposing to revise certain language in the BTDS Internal Usage Authorization Fee and the BTDS External Authorization Fee. Currently, the language in rule 7010(k)(3)(A)(ii) and (iii) provides that the charge for each service is determined ''per month, per organization.'' However, NASD staff has received questions on the application of these fees from the industry and there has been some confusion as to the meaning of the language. To alleviate this confusion and to provide clarity in the application of the charges for these services, NASD is proposing to replace the language ''per month, per organization'' as used in both the BTDS Internal Authorization Fee and the BTDS External Authorization Fee with the language ''per month, per application/service.'' NASD hopes this change will clarify that the charges apply to each application/service by a subscriber of TRACE data, including among other things, use of market data (i) to disseminate bond tables to press associations or other publishers, or for the purpose of furnishing market data via magnetic tape; (ii) in operations control programs designed for monitoring and surveillance purposes, order/report price validation, order status verification and related activities, portfolio valuation, system development, creation of a delayed last sale prices system, etc., (iii) in analysis programs; or (iv) in proprietary execution systems.

Extension and/or Renewal of Pilot Program for TRACE Fees

NASD is proposing to extend and/or renew the pilot program for TRACE fees that is scheduled to expire on February 28, 2003, to expire on June 30, 2003. Further, NASD expects to submit a rule filing to the SEC prior to the June 30, 2003, expiration date seeking approval of a permanent fee structure for TRACE. NASD believes that the proposed fee structure for TRACE is reasonable, however, NASD is committed to an ongoing review and reassessment of TRACE fees during 2003. Based on data collected during 2003, NASD may recommend additional changes to the TRACE fee structure to ensure that the TRACE fees are reasonable.

NASD will continue to review and reassess the impact of the overall TRACE fee structure over time to ensure that the fees are reasonable and equitable for participants in the TRACE system.

2. Statutory Basis

NASD believes that the proposed rule change is consistent with the provisions of section 15A(b)(5) of the Act,[15] which requires, among other things, that NASD's rules provide for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility or system which NASD operates or controls. NASD is proposing to extend the pilot program for TRACE fees to June 30, 2003, to provide certain temporary fee reductions for a one-month period following implementation of Phase II TRACE data dissemination, and to clarify certain language relating to the BTDS Internal Authorization Fee and the BTDS External Authorization Fee. In addition, NASD is proposing to clean up the Rule text by deleting references to certain services, and their corresponding fees, that were previously eliminated. As a result of the proposed rule change, the current fee structure, subject to the temporary fee reductions, would remain in effect to June 30, 2003. NASD believes that such proposed rule change will more equitably allocate fees to NASD members during the early stages of implementing TRACE.

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

The proposed rule change is effective upon filing pursuant to section 19(b)(3)(A)(ii) of the Act[16] and rule 19b–4(f)(2) thereunder,[17] because the proposal is ''establishing or changing a due, fee, or other charge.'' The rule change has become effective upon filing pursuant to section 19(b)(3)(A) of the Act and rule 19b–4(f)(2) thereunder, and will be operational immediately as of the dates described in the proposed rule change. NASD will announce the one calendar month period during which the described fee reductions will take place in a notice to members.

At any time within 60 days of this filing, the Commission may summarily abrogate this proposal if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of NASD. All submissions should refer to file number SR–NASD–2003–25 and should be submitted by April 1, 2003.

[15] 15 U.S.C. 78o3(b)(5).

[16] 15 U.S.C. 78s(b)(3)(A)(ii).

[17] 17 CFR 240.19b–4(f)(2).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[18]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–5773 Filed 3–10–03; 8:45 am]

BILLING CODE 8010–01–P

DEPARTMENT OF STATE

[Public Notice 4295]

Culturally Significant Objects Imported for Exhibition Determinations: ''Quiet Beauty: Fifty Centuries of Japanese Folk Ceramics From the Montgomery Collection''

DEPARTMENT: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the objects to be included in the exhibition ''Quiet Beauty: Fifty Centuries of Japanese Folk Ceramics from the Montgomery Collection,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners. I also determine that the exhibition or display of the exhibit objects at Bard Graduate Center for Studies in the Decorative Arts, Design and Culture, New York, New York, March 27–June 15, 2003; Frederik Meijer Gardens, Grand Rapids, Michigan, August 23–January 4, 2004; Honolulu Academy of Arts, Honolulu, Hawaii, January 31, 2004–April 11, 2004; Tyler Museum of Art, Tyler, Texas, May 8, 2004 July 18, 2004; Society of the Four Arts, Palm Beach, Florida, March 4, 2005–April 10, 2005; and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Orde F. Kittrie, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State, (telephone: 202/401–4779). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: February 27, 2003.

Patricia S. Harrison,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 03–5761 Filed 3–10–03; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 4298]

Bureau of Nonproliferation; Foreign Assistance Act: Determinations

AGENCY: Department of State.

ACTION: Determination under the Foreign Assistance Act.

Pursuant to section 654(c) of the Foreign Assistance Act of 1961, as amended, notice hereby is given that the Deputy Secretary of State has made a determination pursuant to section 620H of the Foreign Assistance Act of 1961, as amended and section 543 of the Foreign Operations, Export Financing, and Related Programs Appropriations, Division E, of the Consolidated Appropriations Resolution, 2003 (H.J. Res. 2, Pub. L. 108–7), and similar provisions in previous annual Foreign Operations, Export Financing and Related Programs Appropriations Acts, and Executive Order 12163, as amended, and has concluded that publication of the determination would be harmful to the national security of the United States.

Dated: March 5, 2003.

John S. Wolf,

Assistant Secretary of State for Nonproliferation, Department of State.

[FR Doc. 03–5764 Filed 3–10–03; 8:45 am]

BILLING CODE 4710–27–P

DEPARTMENT OF STATE

[Public Notice 4297]

Bureau of Nonproliferation; Imposition of Nonproliferation Measures Against Foreign Persons, Including a Ban on U.S. Government Procurement

AGENCY: Bureau of Nonproliferation, Department of State.

ACTION: Notice.

SUMMARY: The United States Government has determined that two foreign persons have engaged in proliferation activities that require the imposition of measures pursuant to the Iran-Iraq Arms Nonproliferation Act of 1992.

EFFECTIVE DATE: February 13, 2003.

FOR FURTHER INFORMATION CONTACT: On general issues: Vann H. Van Diepen, Director, Office of Chemical, Biological, and Missile Nonproliferation, Bureau of Nonproliferation, Department of State (202–647–1142). On U.S. Government procurement ban issues: Gladys Gines, Office of the Procurement Executive, Department of State (703–516–1691).

SUPPLEMENTARY INFORMATION: Pursuant to Section 1604 of the Iran-Iraq Arms Nonproliferation Act of 1992 (Pub. L. 102–484), the President's Memorandum Delegation of Authority dated September 27, 1994 (59 FR 50685), and State Department Delegation of Authority No. 145 of February 4, 1980, as amended, the Under Secretary of State for Arms Control and International Security Affairs has determined that the following foreign persons have engaged in proliferation activities that require the imposition of measures as described in section 1604(b) of the Iran-Iraq Arms Nonproliferation Act of 1992 (Pub. L. 102–484):

Protech Consultants Private, Ltd. (India) and its successor entities, parents, or subsidiaries; and

Mohammed Al-Khatib (Jordanian national).

Accordingly, until further notice and pursuant to the provisions of section 1604(b) of the Iran-Iraq Arms Nonproliferation Act of 1992 (Pub. L. 102–484), the following measures are imposed on these foreign persons:

1. For a period of two years, the United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from the sanctioned persons; and

2. For a period of two years, the United States Government shall not issue any license for any export by or to the sanctioned persons.

These measures shall be implemented by the responsible departments and agencies of the United States Government and will remain in place for two years, except to the extent subsequently determined otherwise.

Dated: March 4, 2003.

John S. Wolf,

Assistant Secretary of State for Nonproliferation, Department of State.

[FR Doc. 03–5763 Filed 3–10–03; 8:45 am]

BILLING CODE 4710–25–P

[18] 17 CFR 200.30–3(a)(12).

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Generalized System of Preferences (GSP): Notice Regarding the 2001 and 2002 Annual Reviews

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The Office of the United States Trade Representative (USTR) received petitions in 2001 and 2002 to modify the list of products that are eligible for duty-free treatment under the GSP program, and to modify the GSP status of certain GSP beneficiary developing countries because of country practices. This notice announces the combined product petitions from both 2001 and 2002 that are accepted for review in the 2002 GSP Annual Review, and sets forth the schedule for comment and public hearing on these petitions, for requesting participation in the hearing, and for submitting pre-hearing and post-hearing briefs. The list of country practice petitions accepted for review will be announced in the **Federal Register** at a later date.

FOR FURTHER INFORMATION CONTACT: Contact the GSP Subcommittee of the Trade Policy Staff Committee, Office of the United States Trade Representative, 1724 F Street, NW., Room F–220, Washington, DC 20508. The telephone number is (202) 395–6971 and the facsimile number is (202) 395–9481.

SUPPLEMENTARY INFORMATION: The GSP provides for the duty-free importation of designated articles when imported from designated beneficiary developing countries. The GSP is authorized by title V of the Trade Act of 1974 (19 U.S.C. 2461, *et seq.*), as amended (the ''1974 Act''), and is implemented in accordance with Executive Order 11888 of November 24, 1975, as modified by subsequent Executive Orders and Presidential Proclamations.

In a **Federal Register** notice dated April 13, 2001, USTR initiated the 2001 GSP Annual Review and announced a deadline of June 13, 2001, for the filing of petitions (66 FR 19278). In a **Federal Register** notice dated November 1, 2002, USTR initiated the 2002 GSP Annual Review and announced a deadline of December 2, 2002, for the filing of petitions (67 FR 66699). The product petitions received requested changes in the eligibility of products by adding or removing products, or by waiving the ''competitive need limitations'' (CNLs) for a country for eligible articles. Authorization for granting CNL waivers is set forth in section 503(d) of the 1974 Act (19 U.S.C. 2463(d)).

The GSP program expired on October 1, 2001, and was not reauthorized until August 6, 2002. Consequently, the announcement of which petitions were to be accepted for the 2001 Annual GSP Review was not made, except for the announcement in the August 28, 2002 **Federal Register** of those petitions accepted for the Special Three Country Review for Argentina, the Philippines and Turkey. The outstanding 2001 petitions have been merged into the 2002 GSP Annual Review.

The interagency GSP Subcommittee of the Trade Policy Staff Committee (TPSC) has reviewed the product petitions, and the TPSC has decided to initiate a full review of 47 of them. Annex II to this notice sets forth the case number, Harmonized Tariff Schedule of the United States (HTS) subheading number, brief description of the product (*see* the HTS for an authoritative description available on the U.S. International Trade Commission (USITC) Web site *http://www.usitc.gov/taffairs.htm*), the change requested, and the petitioner for each petition included in this review. Acceptance of a petition for review does not indicate any opinion with respect to disposition on the merits of the petition. Acceptance indicates only that the listed petitions have been found eligible for review by the TPSC and that such review will take place.

Modifications to the list of articles eligible for duty-free treatment under the GSP resulting from the 2002 Annual Review will be announced on or about June 30, 2003, in the **Federal Register**, and any changes will take effect on the effective date to be announced.

Opportunities for Public Comment and Inspection of Comments

The GSP Subcommittee of the TPSC invites comments in support of or in opposition to any petition which is included in this Annual Review. Submissions should comply with 15 CFR part 2007, including sections 2007.0 and 2007.1, except as modified below. All submissions should identify the subject article(s) in terms of the case number and HTS subheading number as shown in Annex II. The GSP regulations (15 CFR part 2007) provide the schedule of dates for conducting an annual review unless otherwise specified in a **Federal Register** notice. The revised schedule for public comment and hearings is contained in Annex I.

Requirements for Submissions

In order to facilitate prompt processing of submissions, USTR strongly urges and prefers electronic e-mail submissions in response to this notice. Hand delivered submissions will not be accepted. These submissions should be single copy transmissions in English with the total submission not to exceed 50 single-spaced pages. E-mail submissions should use the following subject line: ''2002 GSP Annual Review'' followed by the Case Number and HTS subheading number found in the Annex II (for example, 2002–47 9405.50.40) and, as appropriate ''Written Comments'', ''Notice of Intent to Testify'', ''Pre-hearing brief'', ''Post-hearing brief'' or ''Comments on USITC Advice''. (For example, an e-mail subject line might read ''2002–47 9405.50.40 Written Comments''.) Documents, in English, must be submitted as either WordPerfect (.WPD), MSWord (.DOC) , or text (.TXT) files. Documents should not be submitted as electronic image files or contain imbedded images (for example, ''.JPG'', ''PDF'', ''.BMP'', or ''.GIF'') as these type files are generally excessively large. E-mail submissions containing such files may not be accepted. Supporting documentation submitted as spreadsheets are acceptable as Quattro Pro or Excel suitable for printing only on 8½ x 11 inch paper. To the extent possible, any data attachments to the submission should be included in the same file as the submission itself, and not as separate files.

If the submission contains business confidential information, a non-confidential version of the submission must also be submitted that indicates where confidential information was redacted by inserting asterisks where material was deleted. In addition, the confidential submission must be clearly marked ''Business Confidential'' at the top and bottom of each and every page of the document. The public version which does not contain business confidential information must also be clearly marked at the top and bottom of each and every page (either ''Public Version'' or ''Non-Confidential'').

For any document containing business confidential information submitted as an electronic attached file to an e-mail transmission, the file name of the business confidential version should begin with the characters ''BC-'', and the file name of the public version should begin with the characters ''P-''. The ''P-'' or ''BC-'' should be followed by the name of the party (government, company, union, association, etc.) which is making the submission. E-mail submissions should not include separate cover letters or messages in the message area of the e-mail; information that might appear in any cover letter should be included directly in the attached file containing the submission itself. The e-mail address for these submissions is *FR0052@USTR.GOV.* Documents not submitted in accordance with these instructions might not be considered in this review.

Information submitted will be subject to public inspection shortly after the relevant due dates by appointment with the staff of the USTR public reading room, except for information submitted that is granted ''business confidential'' status pursuant to 15 CFR 2003.6 and other qualifying information submitted in confidence pursuant to 15 CFR 2007.7. Public versions of all documents relating to this review will be available for review after the relevant due date by appointment in the USTR public reading room, 1724 F Street NW., Washington, DC. Appointments may be made from 9:30 a.m. to noon and 1 p.m. to 4 p.m., Monday through Friday, by calling (202) 395–6186.

Notice of Public Hearings

Hearings will be held by the GSP Subcommittee of the TPSC on April 10 and 11, 2003, beginning at 10 a.m. at the U.S. International Trade Commission, Main Hearing Room, 500 E Street, SW., Washington, DC 20436. The hearings will be open to the public and a transcript of the hearings will be made available for public inspection or can be purchased from the reporting company. No electronic media coverage will be allowed.

All interested parties wishing to make an oral presentation at the hearings must submit the name, address, telephone number, and facsimile number and email address, if available, of the witness(es) representing their organization to the Chairman of the GSP Subcommittee by 5 p.m., March 24, 2003. Requests to present oral testimony in connection with the public hearings must be accompanied by a written brief or statement, in English, and also must be received by 5 p.m., March 24, 2003. Oral testimony before the GSP Subcommittee will be limited to five-minute presentations that summarize or supplement information contained in briefs or statements submitted for the record. Post-hearing briefs or statements will be accepted if they conform with the regulations cited above and are submitted, in English, by 5 p.m., April 28, 2003. Parties not wishing to appear at the public hearings may submit post-hearing written briefs or statements, in English, by 5 p.m., April 28, 2003.

In accordance with sections 503(a)(1)(A), 503(e) and 131(a) of the 1974 Act and authority delegated by the President, the U.S. Trade Representative has requested that the USITC, pursuant to section 332(g) of the Tariff Act of 1930, provide its advice with respect to the probable economic effect on United States industries producing like or directly competitive articles and on consumers of the elimination of U.S. import duties for all beneficiary developing countries, and, with respect to certain articles, the effect of the elimination of United States import duties for least-developed beneficiary developing countries. Comments by interested persons on the USITC Report prepared as part of the product review should be submitted by 5 p.m., June 9, 2003.

Steven Falken,

Executive Director for GSP, Chairman, GSP Subcommittee of the Trade Policy Staff Committee.

BILLING CODE 3901–01–P

Annex I

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE
WASHINGTON, D.C. 20508

GSP – 2002 ANNUAL REVIEWS

PUBLIC COMMENT AND HEARING SCHEDULE

March 24, 2003	Due Date for Requests to Appear at Public Hearings and Submission of Pre-hearing Briefs. Due Date for Providing the Name, Address, Telephone, Fax, Email Address and Organization of Witnesses.
April 8, 2003	U.S. International Trade Commission (USITC) scheduled hearings on economic effect on U.S. industries.
April 10 and 11, 2003	TPSC GSP Subcommittee Public Hearings to Be Held at U.S. International Trade Commission (USITC) Main Hearing Room, 500 E Street, S.W., Washington, D.C. 20436.
April 28, 2003	Due Date for Submission of Post-hearing and Rebuttal Briefs.
June 2, 2003	USITC Scheduled to Publish Report to the President.
June 30, 2003	Annual Review Decisions Scheduled to Be Announced on or about this Date.
For Further Information Contact:	GSP Information Center Office of the U.S. Trade Representative 1724 F Street, N.W. Washington, D.C. 20508 T-202-395-6971; F-202-395-9481
For Public Documents Related to this Review:	USTR Public Reading Room, 1724 F Street N.W., Washington, D.C. Appointments May Be Made from 9:30 A.M. to Noon and 1 P.M. to 4 P.M., Monday Through Friday by Calling (202) 395-6186.

Notification of Any Changes Will Be Given in the *Federal Register*.

Annex II

The Harmonized Tariff Schedule of the United States (HTS) subheadings listed below have been accepted as product petitions for the 2002 Generalized System of Preferences (GSP) Annual Review for modification of the GSP. The tariff nomenclature in the HTS for the subheadings listed below are definitive; the product descriptions in this list are *for informational purposes only* (except in those cases where only part of a subheading is the subject of a petition). The descriptions below are not intended to delimit in any way the scope of the subheading. The HTS may be viewed on http://www.usitc.gov/taffairs.htm.

Case No.	HTS Subheading	Brief Description	Petitioner
A.	Petitions to add products to the list of eligible articles for the Generalized System of Preferences.		
2002-01	0406.20.51	Romano, reggiano, provolone, provoletti, sbrinz and goya, made from cow's milk, grated or powdered, subject to additional U.S. note 21 to chapter 4 of the HTS	Lactosan (Uruguay) S.A., Uruguay
2002-02	0710.22.37	Beans not elsewhere specified or included, uncooked or cooked by steaming or boiling in water, frozen, not reduced in size	United Company for Food Industries-"Montana", Egypt
2002-03	0710.22.40	Beans, uncooked or cooked by steaming or boiling in water, frozen, reduced in size	do.
2002-04	0710.30.00	Spinach, New Zealand spinach and orache spinach (garden spinach), uncooked or cooked by steaming or boiling in water, frozen	do.
2002-05	0710.80.97(pt)	Broccoli, uncooked or cooked by steaming or boiling in water, frozen, reduced in size	do.
2002-06	0710.80.9730	Cauliflower, uncooked or cooked by steaming or boiling in water, frozen, reduced in size	do.
2002-07	0710.90.91	Mixtures of vegetables not elsewhere specified or included, uncooked or cooked by steaming or boiling in water, frozen	do.
2002-08	0804.20.80	Figs, fresh or dried, other than whole	Government of Turkey
2002-09	1508.10.00 1/	Crude peanut (ground-nut) oil	Government of Argentina; Camera Industrial de Aceites Vegetales de Cordoba, Argentina
2002-10	1508.90.00	Peanut (ground-nut) oil, other than crude, and its fractions, whether or not refined, but not chemically modified	do.
2002-11	1604.13.20 2/	Sardines, not smoked, sardinella, brisling or sprats, neither skinned nor boned, in oil, in airtight containers	Government of Morocco
2002-12	1604.13.30 2/	Sardines, not smoked, sardinella, brisling or sprats, skinned or boned, in oil, in airtight containers	do.

1/ The petitioners also requests a waiver of the competitive need limits specified in section 503(c)(2)(A) of the 1974 Act for Argentina on the articles provided for in this subheading.

2/ The petitioner also requests a waiver of the competitive need limits specified in section 503(c)(2)(A) of the 1974 Act for Morocco on the articles provided for in this subheading.

Annex II (con.)
-2-

Case No.	HTS Subheading	Brief Description	Petitioner
A.	Petitions to add products to the list of eligible articles for the Generalized System of Preferences. (con.)		
2002-13	2001.90.20 1/	Capers, prepared or preserved by vinegar or acetic acid, other than in immediate containers holding more than 3.4 kg	Government of Morocco Government of Turkey
2002-14	2008.19.20	Filberts, otherwise prepared or preserved, not elsewhere specified or included	Government of Turkey
2002-15	2009.31.6020 2/	Lemon juice, of a Brix value not exceeding 20, concentrated, frozen	Government of Argentina; Chamber of Citrus Processors of Argentina; C&H Sales Co, La Mirada, CA; Citroil Enterprises, Inc., Carlstadt, NJ; Maritime Exchange for the Delaware River and Bay, Philadelphia, PA; Pasco Beverage Company, Dade City, FL; Sales USA, Inc., Salado, TX; Sourcelink LLC, Sarasota, FL
2002-16	2009.39.6020 2/	Lemon juice, of a Brix value exceeding 20, frozen	do.
2002-17	2903.69.70(pt)	p-Chlorobenzotrifluoride	Milenia Agro Ciencias S.A., Brazil
2002-18	2903.69.70(pt)	3,4-Dichlorobenzotrifluoride	do.
2002-19	2917.12.10	Adipic acid	Rhodia Poliamida Ltda., Brazil
2002-20	2921.43.15	*α,α,α*-Trifluoro-2,6-dinitro-*N,N*-dipropyl-p-toluidine (Trifluralin)	Government of Argentina; Albaugh, Inc., St. Joseph, MO; Atanor, S.A., Argentina; Milenia Agro Ciencias S.A., Brazil
2002-21	2921.43.80(pt)	*N*-Ethyl-*N*-(2-methyl-2-propenyl)-2,6-dinitro-4-(trifluoromethyl)benzenamine	Milenia Agro Ciencias S.A., Brazil
2002-22	2922.42.10	Monosodium glutamate	Ajinomota USA, Eddyville, IO; Ajinomoto Interamericana Ind. E Com. Ltda., Brazil; Ajinomoto Biolatina Ind e Com. Ltda., Brazil

1/ The Government of Morocco also requests a waiver of the competitive need limits specified in section 503(c)(2)(A) of the 1974 Act for Morocco on the articles provided for in this subheading.

2/ The petitioners also requests a waiver of the competitive need limits specified in section 503(c)(2)(A) of the 1974 Act for Argentina on the articles provided for in this subheading.

Annex II (con.)
-3-

Case No.	HTS Subheading	Brief Description	Petitioner
A.	Petitions to add products to the list of eligible articles for the Generalized System of Preferences. (con.)		
2002-23	7202.93.00 1/	Ferroniobium	Cia Brasileiro de Metalurgia e Mineracal, Brazil; Reference Metals Company, Inc., Bridgeville, PA
2002-24	8108.20.0010 2/	Titanium sponge	Government of Kazakhstan; Joint Stock Company Ust-Kamenogorak Titanium and Magnesium Plant, Kazakhstan
2002-25	8528.12.3224	Non-high definition color television reception apparatus, nonprojection type, with video display diagonal over 35.56 cm but not over 37 cm, not incorporating a video recording or reproducing apparatus	ITAUTEC Philco S/A, Brazil
2002-26	8528.12.3235	Non-high definition color television reception apparatus, nonprojection type, with video display diagonal over 45 cm but not over 50 cm, not incorporating a video recording or reproducing apparatus	do.
2002-27	8528.12.3250	Non-high definition color television reception apparatus, nonprojection type, with video display diagonal over 52 cm but not over 77 cm, not incorporating a video recording or reproducing apparatus	do.
2002-28	8528.21.70	Color video monitors with a flat panel screen, with a video display diagonal over 34.29 cm, not incorporating video recording or reproducing apparatus	do.
B.	Petition to add a product to the list of eligible articles for the Generalized System of Preferences only for countries designated as a least-developed beneficiary country in general note 4(b)(i) of the HTS.		
2002-29	8211.91.20	Table knives with fixed blades, with stainless steel handles containing nickel or over 10% by weight of manganese, valued under 25¢ each, not over 25.9 cm in overall length	Government of Bangladesh
2002-30	8215.99.01	Forks, with stainless steel handles containing nickel or over 10% by weight of manganese, valued under 25¢ each, not over 25.9 cm in overall length	do.

1/ The petitioners also requests a waiver of the competitive need limits specified in section 503(c)(2)(A) of the 1974 Act for Brazil on the articles provided for in this subheading.

2/ The petitioners also requests a waiver of the competitive need limits specified in section 503(c)(2)(A) of the 1974 Act for Kazakhstan on the articles provided for in this subheading.

Annex II (con.)
-4-

Case No.	HTS Subheading	Brief Description	Petitioner
B.	Petition to add a product to the list of eligible articles for the Generalized System of Preferences only for countries designated as a least-developed beneficiary country in general note 4(b)(i) of the HTS. (con.)		
2002-31	8215.99.10	Other forks, with stainless steel handles, valued under 25¢ each	Government of Bangladesh
2002-32	8215.99.30	Spoons, with stainless steel handles and valued under 25 cents each	do.
C.	Petitions to remove duty-free status from beneficiary developing country/countries for a product on the list of eligible articles for Generalized System of Preferences. 1/		
2002-33	8108.90.60 (Russia)	Wrought titanium, not elsewhere specified or included	Titanium Metals Corporation, Denver, CO
D.	Petitions for waiver of competitive need limits for a product on the list of eligible products for the Generalized System of Preferences.		
2002-34	0813.10.00 (Turkey)	Apricots, dried	Government of Turkey
2002-35	2909.19.14 (Brazil)	Methyl tertiay-butyl ether (MTBE)	Copesul-Companhia Petroquimica Do Sul, Brazil; Copesul International Trading Inc., Brazil; Petroleo Brasileiro S.A., Brazil
2002-36	7113.19.29 (Turkey)	Gold necklaces and neck chains (other than of rope or mixed links)	Istanbul Maden ve Metaller Ihracatcilari Birligi, Turkey
2002-37	7202.50.00 (Kazakhstan)	Ferrosilicon chromium	Transnatsionalnaya Kompaniya ("Kazachrome"), Kazakhstan; Considar Inc., New York, NY
2002-38	7418.19.10 (India)	Copper table, kitchen or other household articles and parts thereof, coated or plated with precious metals	Government of India
2002-39	7418.19.50 (India)	Copper (other than brass) table, kitchen or other household articles and parts thereof, not coated or plated with precious metals	do.
2002-40	8413.30.10 (Brazil)	Fuel-injection pumps for compression-ignition engines, not fitted with a measuring device	Robert Bosch Ltda. of Brazil, Brazil

1/ The country named is the beneficiary developing country specified by the petitioner. While the Trade Policy Staff Committee (TPSC) review will focus on that country, the TPSC reserves the right to address removal of GSP status for countries other than those specified by the petitioner as well as the GSP status of the entire article.

Annex II (con.)
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Case No.	HTS Subheading	Brief Description	Petitioner
D.	Petitions for waiver of competitive need limits for a product on the list of eligible products for the Generalized System of Preferences. (con.)		
2002-41	8414.51.00(pt) (Thailand)	Ceiling fans for permanent installation	Hunter Fan Company, Memphis, TN; Compass East Industries (Thailand) Public Company Limited, Thailand
2002-42	8528.12.28 (Thailand)	Non-high definition color television reception apparatus, non-projection type, with a video display diagonal exceeding 35.56 cm, incorporating video recording or reproducing apparatus	JVC Americas Corporation, Wayne, NJ
2002-43	8544.30.00 (Thailand)	Insulated ignition wiring sets and other wiring sets of a kind used in vehicles, aircraft or ships	Yazaki North America, Inc., Canton, MI
2002-44	8708.99.67 (Brazil)	Other parts of power trains of motor vehicles of headings 8701 to 8705 except tractors suitable for agricultural use	Sindicato Nacional da Industria de Compenentes Para Veiculos Automotores, Brazil
2002-45	9405.50.20 (India)	Non-electrical incandescent lamps designed to be operated by propane or other gas, or by compressed air and kerosene or gasoline	Government of India
2002-46	9405.50.30 (India)	Non-electrical lamps and lighting fixtures, not elsewhere specified or included, of brass	do.
2002-47	9405.50.40 (India)	Non-electrical lamps and lighting fixtures not elsewhere specified or included, other than of brass	do.

[FR Doc. 03–5648 Filed 3–10–03; 8:45 am]

BILLING CODE 3901–01–C

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed the Week Ending February 28, 2003

The following agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. sections 412 and 414. Answers may be filed within 21 days after the filing of the application.

Docket Number: OST–2003–14613.

Date Filed: February 27, 2003.

Parties: Members of the International Air Transport Association.

Subject: PTC2 EUR–ME 0153 dated 28 January 2003, TC2 Europe-Israel Resolutions, Minutes—PTC2 EUR–ME 0154 dated 14 February 2003, Tables—PTC2 EUR–ME Fares 0069 dated 31 January 2003, Intended effective date: 1 April 2003.

Docket Number: OST–2003–14617.

Date Filed: February 28, 2003.

Parties: Members of the International Air Transport Association.

Subject: PTC COMP 1016 dated 4 March 2003,

Mail Vote 269—Resolution 010q r1–r2,

TC2/TC12/TC23 Special Passenger Amending Resolution from Egypt,

Intended effective date: 15 March 2003.

Dorothy Y. Beard,

Chief, Docket Operations & Media Management, Federal Register Liaison.

[FR Doc. 03–5704 Filed 3–10–03; 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) during the Week Ending February 28, 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.

Docket Number: OST–2003–14579.

Date Filed: February 24, 2003.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: March 17, 2003.

Description: Application of Republic Airline Inc. d/b/a Republic Airlines, pursuant to 49 U.S.C. section 41102, parts 201 and 204 and subpart B, requesting a certificate of public convenience and necessity authorizing it to engage in interstate scheduled air transportation of persons, property, and mail.

Dorothy Y. Beard,

Chief, Docket Operations & Media Management, Federal Register Liaison.

[FR Doc. 03–5705 Filed 3–10–03; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Government/Industry Aeronautical Charting Forum Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice announces the bi-annual meeting of the Federal Aviation Administration's Government/Industry Aeronautical Charting Forum (ACF) to discuss informational content and design of aeronautical charts and related products, as well as instrument flight procedures policy and development criteria.

DATES: The ACF is separated into two distinct groups. The Instrument Procedures Group will meet April 28 and 29, 2003 from 9 a.m. to 4:30 p.m. The Charting Group will meet April 30 and May 1 from 9 a.m. to 4:30 p.m.

ADDRESSES: The meeting will be held at the Hampton Inn Frederick, 5311 Buckeystown Pike, Frederick, MD zip 21704.

FOR FURTHER INFORMATION CONTACT: For information relating to the Instrument Procedures Group, contact Thomas E. Schneider, Flight Procedures Standards Branch, AFS–420, 6500 South MacAthur Blvd, PO Box 25082, Oklahoma City, OK 73125; telephone (405) 954–5852; fax: (405) 954–2528. For information relating to the Charting Group, contact Richard V. Powell, FAA, Air Traffic Airspace Management, ATA–100, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8790, fax: (202) 493–4266.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. II), notice is hereby given of a meeting of the Government/Industry Aeronautical Charting Forum to be held from April 28 to May 1, 2003, from 9 a.m. to 4:30 p.m. at the Hampton Inn Frederick, 5311 Buckeystown Pike, Frederick, MD zip 21704.

The Instrument Procedures Group agenda will include briefings and discussions on recommendations regarding pilot procedures for instrument flight, as well as criteria, design, and developmental policy for instrument approach and departure procedures.

The Charting Group agenda will include briefings and discussions regarding recommendations regarding aeronautical charting specifications, flight information products, as well as new aeronautical chartering and air traffic control initiatives.

Attendance is open to the interested public, but will be limited to the space available.

The public must make arrangements by April 7, 2003, to present oral statements at the meeting. The public may present written statements and/or new agenda items to the committee by providing a copy to the person listed in the **FOR FURTHER INFORMATION CONTACT:** section by April 7, 2003. Public statements will only be considered if time permits.

Issued in Washington, DC, on March 4, 2003.

Richard V. Powell,

Co-Chair, Government/Industry, Aeronautical Charting Forum.

[FR Doc. 03–5706 Filed 3–10–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: In the vicinity of the City and Borough of Juneau, AK

AGENCY: Federal Highway Administration (FHWA), Alaska Department of Transportation and Public Facilities (ADOT&PF).

ACTION: Notice of intent.

SUMMARY: The FHWA, in cooperation with ADOT&PF, will prepare a supplemental draft environmental impact statement (SDEIS) for Juneau Access Improvements, a project to improve surface transportation to and from Juneau within the Lynn Canal corridor.

FOR FURTHER INFORMATION CONTACT: Tim Haugh, FHWA Environment & Right of Way Program Manager, FHWA, PO Box 21648, Juneau, Alaska 99802, (907) 586–7430, or Reuben Yost, ADOT&PF Regional Environmental Coordinator, 6860 Glacier Highway, Juneau, Alaska 99801, (907) 465–4498.

SUPPLEMENTARY INFORMATION: A draft Environmental Impact Statement (DEIS) for this project was released on June 23, 1997. A final EIS has not been submitted to FHWA. As more than three years have passed since the release of the DEIS, ADOT&PF prepared a written reevaluation of the document on January 3, 2003. ADOT&PF concluded, and FHWA concurred, that a SDEIS is needed to update the original document.

The purpose for the project remains the same: improve surface transportation to provide travel flexibility, capacity to meet demand, adn greater travel opportunity while reducing travel time, state costs and user costs. All alternatives considered will be updated and reevaluated. This includes those advanced for further study (*i.e.* No Build, East Lynn Canal Highway, and All Marine Options A—D) as well as those originally rejected as not reasonable. The purpose of the SDEIS is to update information presented in the DEIS (although released in 1997, much of the data was from 1992–94) and to conduct additional studies needed to address comments on the DEIS and/or issues that might be raised at new public and agency meetings.

Several new or updated studies will be incorporatd into the SDEIS. ADOT&PF will revise the User Benefit Analysis, Trffic Forecast Analysis, and Household Survey to update the Purpose and Need chapter. New Cost Estimates, a Project Mitigation Report, and an Alternatives Analysis Report will be prepared to update the Project Alternatives chapter. The Cultural Resources Study; the Snow Avalanche Report; and the Land Use/Coastal Zone, Bald Eagle, Steller Sea Lion, Wetlands, and Wildlife Technical Reports will be revised. ADOT&PF will use these revisions and an Essential Fish Habitat Assessment to update the Affected Environment chapter. The Socioeconomic Effects Study, Visual Impact Assessment, Marine Segments, and Technical Alignment Reports will be revised, and a Secondary/Cumulative Impacts Analysis prepared, to update the Environmental Consequences chapter.

Announcements describing the supplemental draft EIS (SDEIS) process and requesting comments will be sent to appropriate federal, state, and local agencies. Public notices will also be published in local newspapers. ADOT&PF will hold public informational meetings in Juneau, Haines, and Skagway in early April. A resource agency scoping meeting will be held in Juneau during the same time period. Project staff will present the proposed project schedule, alternative update information, and anticipated studies.

Public hearings will be held following publication of the SDEIS. Notice of the hearings and availability of the document will be published in the ''**Federal Register**,'' ''Juneau Empire,'' ''Chilkat Valley News,'' ''Skagway News'' and the ''Anchorage Daily News.'' Comments or questions concerning the project and the SDEIS should be directed to the FHWA or ADOT&PF addresses provided.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of Federal programs and activities apply to this program.)

Issued on: February 28, 2003.

David C. Miller,

Division Administrator, Juneau, Alaska.

[FR Doc. 03–5765 Filed 3–10–03; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Secretarial Extension of Authority; Marine War Risk Insurance Under Title XII of the Merchant Marine Act, 1936

On December 12, 2001, President George W. Bush approved the provision of vessel war risk insurance by memorandum for the Secretary of State and the Secretary of Transportation. The approval was for the provision by the Secretary of Transportation of insurance or reinsurance of vessels (including cargoes and crew) entering the Middle East region against loss or damage by war risks in the manner and to the extent approved in Title XII of the Act, 46 U.S.C App.1281, *et seq.*

The President delegated to the Secretary of Transportation the authority vested in him by section 1202 of the Act, to approve the provision of insurance or reinsurance after the expiration of 6 months and to bring this approval to the attention of all operators and to arrange for its publication in the **Federal Register**. On August 23, 2002 the Secretary of Transportation approved the extension of the authority to provide such insurance for another 6-month period, to December 12, 2002.

On February 9, 2003 the Secretary of Transportation approved an extension of the authority to provide such insurance for an additional one-year period, through December 12, 2003.

FOR FURTHER INFORMATION CONTACT: Joe Strassburg, Chief, Division of Marine Insurance, Maritime Administration, 400 Seventh St., SW., Washington, DC 20590, Phone Number (202) 366–4156

By Order of the Maritime Administrator

Dated: March 5, 2003.

Joel C. Richard,

Secretary.

[FR Doc. 03–5655 Filed 3–10–03; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Voluntary Intermodal Sealift Agreement (VISA)/Joint Planning Advisory Group (JPAG)

AGENCY: Maritime Administration, DOT.

ACTION: Synopsis of January 27–28, 2003 meeting with VISA participants.

The VISA program requires that a notice of the time, place, and nature of each JPAG meeting be published in the **Federal Register**. The full text of the VISA program, including these requirements, is published in 68 FR 8800–8808, dated February 25, 2003.

On January 27–28, 2003, the Maritime Administration (MARAD) and the U.S. Transportation Command (USTRANSCOM) co-hosted a classified JPAG meeting at USTRANSCOM, Scott Air Force Base, Illinois, regarding OPERATION ENDURING FREEDOM.

Because of the nature of some of the briefings, only attendees with security clearances were admitted to the classified portions of the meeting. Briefings and updates were provided to participants by various components of the Department of Defense and the Department of Transportation. The briefings and updates included: situational awareness on expectations for strategic lift; port security for CONUS and OCONUS and discussion on the Maritime Safety and Security Teams; Naval Coordination and Protection of Shipping; chemical, biological, radiological-defense status updates; and, force protection.

FOR FURTHER INFORMATION CONTACT: Mr. Taylor E. Jones II, Director, Office of Sealift Support,(202)366–2323.

Dated: March 6, 2003.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary.

[FR Doc. 03–5770 Filed 3–10–03; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

Release of Waybill Data

The Surface Transportation Board has received a request from Reebie Associates (WB654–8–2/12/03), for permission to use certain data from the Board's Carload Waybill Samples. A copy of the request may be obtained from the Office of Economics, Environmental Analysis, and Administration.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics, Environmental Analysis, and Administration within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.9.

Contact: James A. Nash, (202) 565–1542.

Vernon A. Williams,

Secretary.

[FR Doc. 03–5760 Filed 3–10–03; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34313]

Eastern Shore Railroad, Inc.—Operation Exemption-Greater Shenandoah Valley Development Company d/b/a Shenandoah Valley Railroad Company

Eastern Shore Railroad, Inc. (ESHR), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to operate a 20.2-mile line of railroad owned by Greater Shenandoah Valley Development Company d/b/a Shenandoah Valley Railroad Company (SVRR),[1] between Pleasant Valley, VA (milepost 5.0) and Staunton, VA (milepost 25.2), in Rockingham and Augusta Counties, VA.[2] ESHR certifies

[1] ESHR and SVRR have reached a 3-year agreement for ESHR's services, with an effective date of March 1, 2003.

[2] The current operator of the line is Buckingham Branch Railroad (BBR). Upon consummation of the

that its projected revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier.

The transaction was scheduled to be consummated on March 1, 2003.

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34313, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Larry E. LeMond, 202 Mason Avenue, P.O. Box 312, Cape Charles, VA 23310.

Board decisions and notices are available on our Web site at *www.stb.dot.gov.*

Decided: March 3, 2003.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 03–5628 Filed 3–10–03; 8:45 am]

BILLING CODE 4915–00–P

transaction, ESHR will assume operations over the line and BBR will cease its operations over the line.

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Office of Thrift Supervision

FEDERAL RESERVE SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION

NATIONAL CREDIT UNION ADMINISTRATION

Financial Crimes Enforcement Network; Agency Information Collection Activities; Submission for OMB Review; Comment Request; Suspicious Activity Report

ACTION: Submission for OMB review; joint comment request.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995, FinCEN, OCC, OTS, FDIC, and NCUA hereby give notice that they plan to submit to the Office of Management and Budget (OMB) requests for review of the information collections described below. Pursuant to 5 CFR 1320.16 the Board of Governors of the Federal Reserve System (the Board) hereby announces the Board's approval of the information collection and plan to submit its supporting documentation to OMB. The above-mentioned agencies are collectively referred to as the ''agencies'' throughout this notice.

On November 4, 2002, the agencies, requested public comment on the minor revision of the Suspicious Activity Report (SAR). The OCC also requested comments on all information collections contained in 12 CFR part 21. The agencies are making the changes proposed and are making an additional change suggested by the commenters. None of the changes will impose substantial additional burden on respondents.

DATES: Written comments should be received on or before April 10, 2003.

ADDRESSES: Interested parties are invited to submit written comments to any or all of the agencies. All comments, which should refer to the OMB control number(s), will be shared among the agencies. Direct all written comments as follows:

FinCEN: Financial Crimes Enforcement Network, Department of the Treasury, P.O. Box 39, Vienna, VA 22183, Attention: 1506–0001, Revised SAR, Financial Institutions. Comments also may be submitted by electronic mail to the following Internet address: *regcomments@fincen.treas.gov* with the caption in the body of the text, ''Attention: 1506–0001, Revised SAR, Financial Institutions''.

OCC: Public Information Room, Office of the Comptroller of the Currency, 250 E Street, SW., Mail stop 1–5, Attention: 1557–0180–2, Washington, DC 20219. In addition, comments may be sent by facsimile transmission to (202) 874–4448, or by electronic mail to *regs.comments@occ.treas.gov.* Due to delays in paper mail in the Washington area, commenters are encouraged to submit comments by fax or e-mail. You can make an appointment to inspect comments by calling (202) 874–5043.

OTS: Information Collection Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552; send a facsimile transmission to (202) 906–6518; or send an e-mail to *infocollection.comments@ots.treas.gov.* OTS will post comments and the related index on the OTS Internet site at *http://www.ots.treas.gov.* In addition, interested persons may inspect comments at the Public Reading Room, 1700 G Street, NW., by appointment. To make an appointment, call (202) 906–5922, send an e-mail to *publicinfo@ots.treas.gov,* or send a facsimile transmission to (202) 906–7755.

Board: Comments may be mailed to Ms. Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551. However, because paper mail in the Washington area and at the Board of Governors is subject to delay, please consider submitting your comments by e-mail to *regs.comments@federalreserve.gov,* or faxing them to the office of the Secretary at 202–452–3819 or 202–452–3102. Comments addressed to Ms. Johnson may also be delivered to the Board's mail facility in the West Courtyard between 8:45 a.m. and 5:15 p.m., located on 21st Street between Constitution Avenue and C Street, NW. Members of the public may inspect comments in Room MP–500 between 9 a.m. and 5 p.m. on weekdays pursuant to 261.12, except as provided in 261.14, of the Board's Rules Regarding Availability of Information, 12 CFR 261.12 and 261.14.

FDIC: Written comments should be addressed to Robert E. Feldman, Executive Secretary, Attention: Comments/Legal, Federal Deposit Insurance Corporation, 550 17th Street, NW, Washington, DC 20429. Comments may be hand-delivered to the guard station at the rear of the 550 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m. [FAX number (202) 898–3838; Internet address: *comments@fdic.gov*]. Comments may be inspected and photocopied in the FDIC Public Information Center, Room 100, 801 17th Street, NW., Washington, DC between 9 a.m. and 4:30 p.m., on business days.

NCUA: Clearance Officer: Mr. Neil M. McNamara, (703) 518–6447, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428, Fax No. 703–518–6489, E-mail: *mcnamara@ncua.gov.*

OMB: Joseph F. Lackey, Jr., Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: You may request additional information or a copy of the collection by contacting:

FinCEN: Russell Stephenson, 202–354–6400 (ORP);

OCC: Jessie Dunaway, OCC Clearance Officer, or Camille Dixon, Legislative and Regulatory Activities Division, Office of the Comptroller of the

Currency, 250 E Street, SW., Washington DC 20219, (202) 874–5090.

OTS: Richard Stearns, Enforcement Deputy Counsel, Office of Enforcement, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, (202) 906–7966.

Board: Herbert A. Biern, Senior Associate Director, Division of Banking Supervision and Regulation, (202) 452–2620. For users of Telecommunications Devices for the Deaf (TDD) only, contact 202–263–4869, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551.

FDIC: Tamara R. Manly, Legal Division, FDIC, 550 17th Street, NW., Washington, DC 20429, (202) 898–7453.

NCUA: NCUA Clearance Officer, Mr. Neil M. McNamara, (703) 518–6447, or John K. Ianno, Office of General Counsel, (703) 518–6540.

SUPPLEMENTARY INFORMATION:

Title: Suspicious Activity Report. (The OCC is renewing all information collections covered under the information collection titled: ''(MA)-Minimum Security Devices and Procedures, Reports of Suspicious Activities, and Bank Secrecy Act Compliance Program (12 CFR 21).'') FinCEN is renewing 31 CFR 103.18.

OMB Numbers

FinCEN: 1506–0001.
OCC: 1557–0180.
OTS: 1550–0003.
FDIC: 3064–0077.
Board: 7100–0212.
NCUA: 3133–0094.

Form Numbers

FinCEN: TD F 90–22.47.
OCC: None.
OTS: 1601.
Board: FR 2230.
FDIC: 6710/06.
NCUA: 2362.

Abstract: In 1985, the agencies issued procedures to be used by banks, thrifts, credit unions, their holding companies, and certain other financial institutions operating in the United States to report known or suspected criminal activities to the appropriate law enforcement agencies and the agencies. Beginning in 1994, the agencies completely redesigned the reporting process. This redesign resulted in the existing SAR, which became effective in April 1996.[1]

Agencies Current Actions: FinCEN and the financial regulators issued a joint initial **Federal Register** notice (60-day notice) regarding the revised SAR on November 4, 2002, (67 FR 67239). A copy of the revised SAR, together with the instructions to the form, was published as part of the 60-day notice. The comments received in response to the 60-day notice (discussed in the next paragraph) were carefully considered. This notice proposed three minor revisions to the form. In Part III Suspicious Activity Information, block 35 Summary characterization of suspicious activity, two new check boxes would be added, one to indicate ''Terrorist Financing'' and another to indicate ''Identity Theft.'' The third revision is an update to the ''Safe Harbor'' wording in the instructions, to reflect changes by the USA Patriot Act. These additions will improve the form's usefulness to law enforcement and the agencies.

Comments Received and Agency Action Taken. The agencies received five generally favorable comment letters from two banking trade associations, a credit union trade association, a bank holding company, and a credit card bank. The comments and recommendations for the most part involved policy issues rather than comments affecting the form's data collection elements. Four commenters suggested that examples of suspicious activities be included with the form. Rather than including numerous examples on the form itself, FinCEN and the financial regulators decided to include a reference to the SAR Activity Review in the instructions. The SAR Activity Review is readily available on FinCEN's Web site *(http://www.fincen.gov),* contains examples and definitions, and is updated regularly. This addition was made to Part V, the ''Narrative.'' One commenter suggested alternate language for the safe harbor provisions. After careful review, FinCEN and the financial regulators elected to retain the language presented in the initial **Federal Register** notice. One commenter recommended expanding the reporting categories in Part III, block 35 and that FinCEN address the issue of supplemental SARs. This commenter also requested clarification on whether transactions that are reported to the Office of Foreign Assets Control (OFAC) should also be reported on a SAR. This commenter's recommendations have merit and will be taken under consideration by FinCEN and the financial regulators for possible implementation at a later date.

Special Instructions: The SAR form included in this final **Federal Register** notice is effective July 1, 2003. The SAR form included in this **Federal Register** is for training and system configuration use only. *Do not use this form to report suspicious activity before July 1, 2003.* Depository institutions should use the current SAR dated June 2000, until June 30, 2003.

Depository institutions reporting possible terrorist financing suspicious activity must file a SAR as indicated above, but should also contact FinCEN's Financial Institutions Hotline (866) 556–3974 to report the activity.

For individual copies of the form, call FinCEN's Regulatory Helpline (800) 949–2732 after April 15, 2003, for individual copies of the form. For information about obtaining bulk copies of the form, or access to a fill-in version, visit the IRS's Internet Web site at *http://www.irs.gov* after April 15, 2003. Copies of both the fill-in version and individual copies may also be obtained on the FinCEN Web site at *http://www.fincen.gov* after April 15, 2003.

Type of Review: Revision of a currently approved collection.

Affected Public: Businesses, for-profit institutions, and non-profit institutions.

Estimated Number of Respondents

FinCEN: 22,600.[2]
OCC: 2,252.
OTS: 990.
Board: 10,000.
FDIC: 8,000.
NCUA: 9,300.

Estimated Total Annual Responses

FinCEN: 637,500.
OCC: 54,172.
OTS: 20,804.
Board: 11,162.
FDIC: 16,018.
NCUA: 2,961.

Estimated Total Annual Burden

The agencies have estimated 30 minutes per form.
FinCEN: 31,750 hours.[3]
OCC: 32,906 hours.
OTS: 10,402 hours.
Board: 5,581 hours.
FDIC: 8,009 hours.
NCUA: 1,480 hours.

An agency may not conduct or sponsor, and a person is not required to

[1] The report is authorized by the following rules: 31 CFR 103.21 (FinCEN); 12 CFR 21.11 (OCC); 12 CFR 563.180 (OTS); 12 CFR 208.20 (Board); 12 CFR 353.3 (FDIC); 12 CFR 748.1 (NCUA). The rules were issued under the authority of 31 U.S.C. 5318(g) (FinCEN); 12 U.S.C. 93a, 1818, 1881–84, 3401–22, 31 U.S.C. 5318 (OCC); 12 U.S.C. 1463 and 1464 (OTS); 12 U.S.C. 324, 334, 6114a, 1844(b) and (c), 3015(c)(2) and 3106(a) (Board); 12 U.S.C. 93a, 1818, 1881–84, 3401–22 (FDIC); 12 U.S.C. 1766(a), 1789(a) (NCUA).

[2] Many respondents included in this estimate are also counted in the agencies' estimates.

[3] A respondent need only file one form. The estimated burden per form is 30 minutes; this estimate does not allocate time between agencies when copies of the form are filed to satisfy the rules of more than one agency.

respond to, a collection of information unless the collection of information displays a valid OMB control number. A respondent must retain the SAR and supporting documentation for five years. Generally, information collected pursuant to the Bank Secrecy Act is confidential, but may be shared as provided by law with regulatory and law enforcement authorities.

Request for Comments: Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agencies, including whether the information shall have practical utility;

(b) The accuracy of the agencies' estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance and purchase of services to provide information.

Dated: March 3, 2003.

James F. Sloan,

Director, Financial Crimes Enforcement Network.

Dated: February 20, 2003.

Mark J. Tenhundfeld,

Assistant Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

Dated: February 26, 2003.

Deborah Dakin,

Deputy Chief Counsel, Regulations and Legislation Division, Office of Thrift Supervision.

Board of Governors of the Federal Reserve System, February 24, 2003.

Jennifer J. Johnson,

Secretary of the Board, Board of Governors of the Federal Reserve System.

Dated at Washington, DC, this 5th day of February, 2003.

By Order of the Board of Directors.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

By the National Credit Union Administration Board on February 24, 2003.

Becky Baker,

Secretary of the Board.

BILLING CODE 4810–02–P

Suspicious Activity Report

July 2003
Previous editions will not be accepted after December 31, 2003

ALWAYS COMPLETE ENTIRE REPORT
(see instructions)

1

FRB:	FR 2230	OMB No. 7100-0212
FDIC:	6710/06	OMB No. 3064-0077
OCC:	8010-9,8010-1	OMB No. 1557-0180
OTS:	1601	OMB No. 1550-0003
NCUA:	2362	OMB No. 3133-0094
TREASURY:	TD F 90-22.47	OMB No. 1506-0001

1 Check box below only if correcting a prior report.
☐ Corrects Prior Report (see instruction #3 under "How to Make a Report")

Part I Reporting Financial Institution Information

2 Name of Financial Institution

3 EIN

4 Address of Financial Institution

5 Primary Federal Regulator
a ☐ Federal Reserve d ☐ OCC
b ☐ FDIC e ☐ OTS
c ☐ NCUA

6 City

7 State

8 Zip Code

9 Address of Branch Office(s) where activity occurred ☐ Multiple Branches (include information in narrative, Part V)

10 City

11 State

12 Zip Code

13 If institution closed, date closed
____ / ____ / ______
MM DD YYYY

14 Account number(s) affected, if any
Closed?
a ______________________ ☐ Yes ☐ No
b ______________________ ☐ Yes ☐ No
Closed?
c ______________________ ☐ Yes ☐ No
d ______________________ ☐ Yes ☐ No

Part II Suspect Information

☐ Suspect Information Unavailable

15 Last Name or Name of Entity

16 First Name

17 Middle

18 Address

19 SSN, EIN or TIN

20 City

21 State

22 Zip Code

23 Country

24 Phone Number - Residence (include area code)
(   )

25 Phone Number - Work (include area code)
(   )

26 Occupation/Type of Business

27 Date of Birth
_____ / _____ / _______
MM DD YYYY

28 Admission/Confession?
a ☐ Yes b ☐ No

29 Forms of Identification for Suspect:
a ☐ Driver's License/State ID b ☐ Passport c ☐ Alien Registration d ☐ Other ____________
Number ______________________ Issuing Authority ____________________

30 Relationship to Financial Institution:

a ☐ Accountant	d ☐ Attorney	g ☐ Customer	j ☐ Officer
b ☐ Agent	e ☐ Borrower	h ☐ Director	k ☐ Shareholder
c ☐ Appraiser	f ☐ Broker	i ☐ Employee	l ☐ Other ______________________

31 Is the relationship an insider relationship? a ☐ Yes b ☐ No
If Yes specify: c ☐ Still employed at financial institution e ☐ Terminated
d ☐ Suspended f ☐ Resigned

32 Date of Suspension, Termination, Resignation
______ / ______ / ________
MM DD YYYY

Part III Suspicious Activity Information 2

33 Date or date range of suspicious activity
From ____/____/______ To ____/____/______
MM DD YYYY MM DD YYYY

34 Total dollar amount involved in known or suspicious activity
$ .00

35 Summary characterization of suspicious activity:

a ☐ Bank Secrecy Act/Structuring/ Money Laundering
b ☐ Bribery/Gratuity
c ☐ Check Fraud
d ☐ Check Kiting
e ☐ Commercial Loan Fraud
f ☐ Computer Intrusion
g ☐ Consumer Loan Fraud
h ☐ Counterfeit Check
i ☐ Counterfeit Credit/Debit Card
j ☐ Counterfeit Instrument (other)
k ☐ Credit Card Fraud
l ☐ Debit Card Fraud
m ☐ Defalcation/Embezzlement
n ☐ False Statement
o ☐ Misuse of Position or Self Dealing
p ☐ Mortgage Loan Fraud
q ☐ Mysterious Disappearance
r ☐ Wire Transfer Fraud
t ☐ Terrorist Financing
u ☐ Identity Theft
s ☐ Other ______________________
(type of activity)

36 Amount of loss prior to recovery (if applicable)
$ .00

37 Dollar amount of recovery (if applicable)
$ .00

38 Has the suspicious activity had a material impact on, or otherwise affected, the financial soundness of the institution?
a ☐ Yes b ☐ No

39 Has the institution's bonding company been notified?
a ☐ Yes b ☐ No

40 Has any law enforcement agency already been advised by telephone, written communication, or otherwise?

a ☐ DEA
b ☐ FBI
c ☐ IRS
d ☐ Postal Inspection
e ☐ Secret Service
f ☐ U.S. Customs
g ☐ Other Federal
h ☐ State
i ☐ Local
j ☐ Agency Name (for g, h or i) ______________________

41 Name of person(s) contacted at Law Enforcement Agency

42 Phone Number (include area code)
( )

43 Name of person(s) contacted at Law Enforcement Agency

44 Phone Number (include area code)
( )

Part IV Contact for Assistance

45 Last Name

46 First Name

47 Middle

48 Title/Occupation

49 Phone Number (include area code)
( )

50 Date Prepared
____/____/______
MM DD YYYY

51 Agency (if not filed by financial institution)

Part V Suspicious Activity Information Explanation/Description

3

Explanation/description of known or suspected violation of law or suspicious activity.

This section of the report is **critical**. The care with which it is written may make the difference in whether or not the described conduct and its possible criminal nature are clearly understood. Provide below a chronological and **complete** account of the possible violation of law, including what is unusual, irregular or suspicious about the transaction, using the following checklist as you prepare your account. **If necessary, continue the narrative on a duplicate of this page.**

a **Describe** supporting documentation and retain for 5 years.
b **Explain** who benefited, financially or otherwise, from the transaction, how much, and how.
c **Retain** any confession, admission, or explanation of the transaction provided by the suspect and indicate to whom and when it was given.
d **Retain** any confession, admission, or explanation of the transaction provided by any other person and indicate to whom and when it was given.
e **Retain** any evidence of cover-up or evidence of an attempt to deceive federal or state examiners or others.
f **Indicate** where the possible violation took place (e.g., main office, branch, other).
g **Indicate** whether the possible violation is an isolated incident or relates to other transactions.
h **Indicate** whether there is any related litigation; if so, specify.
i **Recommend** any further investigation that might assist law enforcement authorities.
j **Indicate** whether any information has been excluded from this report; if so, why?
k If you are correcting a previously filed report, describe the changes that are being made.

For Bank Secrecy Act/Structuring/Money Laundering reports, include the following additional information:
l **Indicate** whether currency and/or monetary instruments were involved. If so, provide the amount and/or description of the instrument (for example, bank draft, letter of credit, domestic or international money order, stocks, bonds, traveler's checks, wire transfers sent or received, cash, etc.).
m **Indicate** any account number that may be involved or affected.

Tips on SAR Form preparation and filing are available in the SAR Activity Review at www.fincen.gov/pub_reports.html

Paperwork Reduction Act Notice: The purpose of this form is to provide an effective and consistent means for financial institutions to notify appropriate law enforcement agencies of known or suspected criminal conduct or suspicious activities that take place at or were perpetrated against financial institutions. This report is required by law, pursuant to authority contained in the following statutes. Board of Governors of the Federal Reserve System: 12 U.S.C. 324, 334, 611a, 1844(b) and (c), 3105(c) (2) and 3106(a). Federal Deposit Insurance Corporation: 12 U.S.C. 93a, 1818, 1881-84, 3401-22. Office of the Comptroller of the Currency: 12 U.S.C. 93a, 1818, 1881-84, 3401-22. Office of Thrift Supervision: 12 U.S.C. 1463 and 1464. National Credit Union Administration: 12 U.S.C. 1766(a), 1786(q). Financial Crimes Enforcement Network: 31 U.S.C. 5318(g). Information collected on this report is confidential (5 U.S.C. 552(b)(7) and 552a(k)(2), and 31 U.S.C. 5318(g)). The Federal financial institutions' regulatory agencies and the U.S. Departments of Justice and Treasury may use and share the information. Public reporting and recordkeeping burden for this information collection is estimated to average 30 minutes per response, and includes time to gather and maintain data in the required report, review the instructions, and complete the information collection. Send comments regarding this burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Paperwork Reduction Project, Washington, DC 20503 and, depending on your primary Federal regulatory agency, to Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551; or Assistant Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429; or Legislative and Regulatory Analysis Division, Office of the Comptroller of the Currency, Washington, DC 20219; or Office of Thrift Supervision, Enforcement Office, Washington, DC 20552; or National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314; or Office of the Director, Financial Crimes Enforcement Network, Department of the Treasury, 2070 Chain Bridge Road, Vienna, VA 22182. The agencies may not conduct or sponsor, and an organization (or a person) is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Suspicious Activity Report
Instructions

Safe Harbor Federal law (31 U.S.C. 5318(g)(3)) provides complete protection from civil liability for all reports of suspicious transactions made to appropriate authorities, including supporting documentation, regardless of whether such reports are filed pursuant to this report's instructions or are filed on a voluntary basis. Specifically, the law provides that a financial institution, and its directors, officers, employees and agents, that make a disclosure of any possible violation of law or regulation, including in connection with the preparation of suspicious activity reports, "shall not be liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, or under any contract or other legally enforceable agreement (including any arbitration agreement), for such disclosure or for any failure to provide notice of such disclosure to the person who is the subject of such disclosure or any other person identified in the disclosure".

Notification Prohibited Federal law (31 U.S.C. 5318(g)(2)) requires that a financial institution, and its directors, officers, employees and agents who, voluntarily or by means of a suspicious activity report, report suspected or known criminal violations or suspicious activities may not notify any person involved in the transaction that the transaction has been reported.

In situations involving violations requiring immediate attention, such as when a reportable violation is ongoing, the financial institution shall immediately notify, by telephone, appropriate law enforcement and financial institution supervisory authorities in addition to filing a timely suspicious activity report.

WHEN TO MAKE A REPORT:

1. All financial institutions operating in the United States, including insured banks, savings associations, savings association service corporations, credit unions, bank holding companies, nonbank subsidiaries of bank holding companies, Edge and Agreement corporations, and U.S. branches and agencies of foreign banks, are required to make this report following the discovery of:

   a. **Insider abuse involving any amount.** Whenever the financial institution detects any known or suspected Federal criminal violation, or pattern of criminal violations, committed or attempted against the financial institution or involving a transaction or transactions conducted through the financial institution, where the financial institution believes that it was either an actual or potential victim of a criminal violation, or series of criminal violations, or that the financial institution was used to facilitate a criminal transaction, and the financial institution has a substantial basis for identifying one of its directors, officers, employees, agents or other institution-affiliated parties as having committed or aided in the commission of a criminal act regardless of the amount involved in the violation.

   b. **Violations aggregating $5,000 or more where a suspect can be identified.** Whenever the financial institution detects any known or suspected Federal criminal violation, or pattern of criminal violations, committed or attempted against the financial institution or involving a transaction or transactions conducted through the financial institution and involving or aggregating $5,000 or more in funds or other assets, where the financial institution believes that it was either an actual or potential victim of a criminal violation, or series of criminal violations, or that the financial institution was used to facilitate a criminal transaction, and the financial institution has a substantial basis for identifying a possible suspect or group of suspects. If it is determined prior to filing this report that the identified suspect or group of suspects has used an "alias," then information regarding the true identity of the suspect or group of suspects, as well as alias identifiers, such as drivers' licenses or social security numbers, addresses and telephone numbers, must be reported.

   c. **Violations aggregating $25,000 or more regardless of a potential suspect.** Whenever the financial institution detects any known or suspected Federal criminal violation, or pattern of criminal violations, committed or attempted against the financial institution or involving a transaction or transactions conducted through the financial institution and involving or aggregating $25,000 or more in funds or other assets, where the financial institution believes that it was either an actual or potential victim of a criminal violation, or series of criminal violations, or that the financial institution was used to facilitate a criminal transaction, even though there is no substantial basis for identifying a possible suspect or group of suspects.

   d. **Transactions aggregating $5,000 or more that involve potential money laundering or violations of the Bank Secrecy Act.** Any transaction (which for purposes of this subsection means a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit, or other monetary instrument or investment security, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected) conducted or attempted by, at or through the financial institution and involving or aggregating $5,000 or more in funds or other assets, if the financial institution knows, suspects, or has reason to suspect that:

i. The transaction involves funds derived from illegal activities or is intended or conducted in order to hide or disguise funds or assets derived from illegal activities (including, without limitation, the ownership, nature, source, location, or control of such funds or assets) as part of a plan to violate or evade any law or regulation or to avoid any transaction reporting requirement under Federal law;

ii. The transaction is designed to evade any regulations promulgated under the Bank Secrecy Act; or

iii. The transaction has no business or apparent lawful purpose or is not the sort in which the particular customer would normally be expected to engage, and the financial institution knows of no reasonable explanation for the transaction after examining the available facts, including the background and possible purpose of the transaction.

The Bank Secrecy Act requires all financial institutions to file currency transaction reports (CTRs) in accordance with the Department of the Treasury's implementing regulations (31 CFR Part 103). These regulations require a financial institution to file a CTR whenever a currency transaction exceeds $10,000. If a currency transaction exceeds $10,000 and is suspicious, the institution must file both a CTR (reporting the currency transaction) and a suspicious activity report (reporting the suspicious or criminal aspects of the transaction). If a currency transaction equals or is below $10,000 and is suspicious, the institution should only file a suspicious activity report.

2. **Computer Intrusion.** For purposes of this report, "computer intrusion" is defined as gaining access to a computer system of a financial institution to:

   a. Remove, steal, procure, or otherwise affect funds of the institution or the institution's customers;
   b. Remove, steal, procure or otherwise affect critical information of the institution including customer account information; or
   c. Damage, disable or otherwise affect critical systems of the institution.

   For purposes of this reporting requirement, computer intrusion does not mean attempted intrusions of websites or other non-critical information systems of the institution that provide no access to institution or customer financial or other critical information.

3. A financial institution is required to file a suspicious activity report no later than 30 calendar days after the date of initial detection of facts that may constitute a basis for filing a suspicious activity report. If no suspect was identified on the date of detection of the incident requiring the filing, a financial institution may delay filing a suspicious activity report for an additional 30 calendar days to identify a suspect. In no case shall reporting be delayed more than 60 calendar days after the date of initial detection of a reportable transaction.

4. This suspicious activity report does not need to be filed for those robberies and burglaries that are reported to local authorities, or (except for savings associations and service corporations) for lost, missing, counterfeit, or stolen securities that are reported pursuant to the requirements of 17 CFR 240.17f-1.

HOW TO MAKE A REPORT:

1. Send each completed suspicious activity report to:

Detroit Computing Center, P.O. Box 33980, Detroit, MI 48232-0980

2. For items that do not apply or for which information is not available, leave blank.
3. If you are correcting a previously filed report, check the box at the top of the report (line 1). Complete the report in its entirety and include the corrected information in the applicable boxes. Then describe the changes that are being made in Part V (Description of Suspicious Activity), line k.
4. **Do not include any supporting documentation with the suspicious activity report.** Identify and retain a copy of the suspicious activity report and all original supporting documentation or business record equivalent for five (5) years from the date of the suspicious activity report. All supporting documentation must be made available to appropriate authorities upon request.
5. If more space is needed to report additional suspects, attach copies of page 1 to provide the additional information. If more space is needed to report additional branch addresses, include this information in the narrative, Part V.
6. Financial institutions are encouraged to provide copies of suspicious activity reports to state and local authorities, where appropriate.

[FR Doc. 03–5649 Filed 3–10–03; 8:45 a.m.]

BILLING CODE 4810–02–C

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

March 5, 2003.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before April 10, 2003 to be assured of consideration.

Bureau of the Public Debt (PD)

OMB Number: 1535–0136.

Form Number: PD F 5410.

Type of Review: Reinstatement.

Title: Application for Refund of Purchase Price of United States Savings Bonds for Organizations.

Description: Used by an organization to request refund of purchase price of United States Savings Bonds.

Respondents: Business or other for-profit, Not-for-profit institutions.

Estimated Number of Respondents: 5,000.

Estimated Burden Hours Per Respondent: 6 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden Hours: 500 hours.

OMB Number: 1535–0138.

Form Number: None.

Type of Review: Extension.

Title: New Treasury Direct.

Description: The information is requested to establish a new account and process transactions.

Respondents: Individuals or households.

Estimated Number of Respondents: 808,000.

Estimated Burden Hours Per Respondent: 16 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden Hours: 231,075 hours.

Clearance Officer: Vicki S. Thorpe (304) 480–6553, Bureau of the Public Debt, 200 Third Street, Parkersburg, West VA 26106–1328.

OMB Reviewer: Joseph F. Lackey, Jr. (202) 395–7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 03–5766 Filed 3–10–03; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Bureau of Engraving and Printing

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury's Bureau of Engraving and Printing, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Engraving and Printing within the Department of the Treasury is soliciting comments concerning survey research to support the Bureau's redesigned currency public education program. Written comments should be received on or before January 31, 2003 to be assured consideration. Direct all written comments to Pamela Grayson, Budget & Strategic Planning Office, Bureau of Engraving and Printing, Room 725–7A, Room 509–M, 14th and C Streets, SW, Washington, DC 20228.

Requests for additional information or copies of the form (s) and instructions should also be directed to Pam Grayson.

SUPPLEMENTARY INFORMATION:

Title: Redesigned Currency Development Survey.

OMB Number: New.

Abstract: The Bureau of Engraving and Printing requests approval to survey the public to help identify the most effective approaches for a public education campaign regarding the introduction of new redesigned currency. The campaign is intended to raise awareness of the new currency, maintain confidence in the U.S. currency and encourage authentication.

Current Actions: This is a new collection.

Type of Review: Emergency. The proposed survey research must be completed in February to allow sufficient time for the results to be incorporated into the education program materials before the anticipated launch date.

Affected Public: The affected public includes all adult (18 or older) members of the U.S. population.

Estimated Number of Respondents: 1,950.

Estimated Total Annual Burden Hours: Estimated number of annual burden hours is 650.

Request for Comments: The Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Dated: March 3, 2003.

Ellen Gano,

Public Affairs Specialist, Office of Public Education, Bureau of Engraving and Printing.

[FR Doc. 03–5767 Filed 3–10–03; 8:45 am]

BILLING CODE 4840–01–P

DEPARTMENT OF THE TREASURY

Bureau of Engraving and Printing

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury's Bureau of Engraving and Printing, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Engraving and Printing within the Department of the Treasury is soliciting comments concerning survey research designed to establish benchmark measures of awareness, confidence and behavior relating to the Bureau's redesigned currency program. Written

comments should be received on or before February 28, 2003 to be assured consideration. Direct all written comments to Pamela Grayson, Budget & Strategic Planning Office, Bureau of Engraving and Printing, Room 725–7A, 14th and C Streets, SW., Washington, DC 20228.

Requests for additional information or copies of the form (s) and instructions should also be directed to Pamela Grayson at the above address.

SUPPLEMENTARY INFORMATION:

Title: Redesigned Currency Benchmark Survey.

OMB Number: New.

Abstract: The Bureau of Engraving and Printing requests approval to survey the public to establish benchmarks related to its public education campaign regarding the introduction of redesigned currency. The survey will be used to establish baseline measures of awareness of currency changes, confidence in the currency and authentication behavior. Benchmark data will be compared against subsequent survey data to determine the effectiveness of the public education program.

Current Actions: This is a new collection.

Type of Review: Regular.

Affected Public: The affected public includes all adult (18 or older) members of the U.S. population.

Estimated Number of Respondents: 4,800.

Estimated Total Annual Burden Hours: Estimated number of annual burden hours is 1200.

Request for Comments: The Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Dated: March 3, 2003.

Ellen Gano,

Public Affairs Specialist, Office of Public Education, Bureau of Engraving and Printing.

[FR Doc. 03–5768 Filed 3–10–03; 8:45 am]

BILLING CODE 4840–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2001–22

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Revenue Procedure 2001–22, Pre-filing Agreement Program.

DATES: Written comments should be received on or before May 12, 2003, to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the revenue procedure should be directed to Carol Savage, (202) 622–3945, or through the Internet at *CAROL.A.SAVAGE@irs.gov.,* Internal Revenue Service, room 6407, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Pre-filing Agreement Program.

OMB Number: 1545–1684.

Notice Number: Revenue Procedure 2001–22.

Abstract: Revenue Procedure 2001–22 describes a program under which certain large business taxpayers may request examination and resolution of specific issues relating to tax returns. The resolution of such issues under the program will be memorialized by a type of closing agreement under Code section 7121 called a pre-filing agreement.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents/Recordkeepers: 225.

Estimated Average Time Per Respondent/Recordkeeper: 45 hours, 20 minutes.

Estimated Total Annual Reporting/Recordkeeping Hours: 10,200.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 3, 2003.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 03–5778 Filed 3–10–03; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 4876–A

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 4876–A, Election To Be Treated as an Interest Charge DISC.

DATES: Written comments should be received on or before May 12, 2003, to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Larnice Mack, at (202) 622–3179, or *Larnice.Mack@irs.gov,* or Internal Revenue Service, room 6407, 1111 Constitution Avenue, NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Election To Be Treated as an Interest Charge DISC.

OMB Number: 1545–0190.

Form Number: 4876–A.

Abstract: A domestic corporation and its shareholders must elect to be an interest charge domestic international sales corporation (IC–DISC). Form 4876–A is used to make the election. IRS uses the information to determine if the corporation qualifies to be an IC–DISC.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Responses: 1,000.

Estimated Time Per Response: 6 hrs., 34 minutes.

Estimated Total Annual Burden Hours: 6,560.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 27, 2003.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 03–5779 Filed 3–10–03; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 712

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 712, Life Insurance Statement.

DATES: Written comments should be received on or before May 12, 2003, to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Larnice Mack, at (202) 622–3179, or *Larnice.Mack@irs.gov,* or Internal Revenue Service, room 6407, 1111 Constitution Avenue, NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Life Insurance Statement.

OMB Number: 1545–0022.

Form Number: 712.

Abstract: Form 712 provides taxpayers and the IRS with information to determine if insurance on the decedent's life is includible in the gross estate and to determine the value of the policy for estate and gift tax purposes. The tax is based on the value of the life insurance policy.

Current Actions: There are no changes being made to Form 712 at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit organizations.

Estimated Number of Responses: 60,000.

Estimated Time Per Response: 18 hrs. 40 minutes.

Estimated Total Annual Burden Hours: 1,120,200.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 27, 2003.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 03–5780 Filed 3–10–03; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 56–A

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 56–A, Notice Concerning Fiduciary Relationship—Illinois Type Land Trust.

DATES: Written comments should be received on or before May 12, 2003, to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Larnice Mack, (202) 622–3179, or (*Larnice.Mack@irs.gov.*), or Internal Revenue Service, room 6407, 1111 Constitution Avenue, NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Form 56–A, Notice Concerning Fiduciary Relationship—Illinois Type Land Trust.

OMB Number: 1545–1683.

Form Number: 56–A.

Abstract: Form 56–A will be used by trustees of Illinois Land Trusts to report the creation of such trusts and any changes to the trust such as the adding or removing of a beneficiary or a change in the power of direction of the trust.

Current Actions: There are no changes being made to this form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Responses: 10,000.

Estimated Time Per Respondent: 2 hrs., 12 minutes.

Estimated Total Annual Burden Hours: 22,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 27, 2003.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 03–5781 Filed 3–10–03; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

Proposed Collection: Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Request By Fiduciary For Reissue of United States Savings Bonds/Notes.

DATES: Written comments should be received on or before May 11, 2003, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Vicki S. Thorpe, 200 Third Street, Parkersburg, WV 26106–1328, or *Vicki.Thorpe@bpd.treas.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Vicki S. Thorpe, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106–1328, (304) 480–6553.

SUPPLEMENTARY INFORMATION:

Title: Request By Fiduciary For Reissue Of United States Savings Bonds/Notes.

OMB Number: 1535–0012.

Form Number: PD F 1455.

Abstract: The information is requested to support a request for reissue by the fiduciary of a decedent's estate.

Current Actions: None.

Type of Review: Extension.

Affected Public: Individuals or businesses.

Estimated Number of Respondents: 72,000.

Estimated Time Per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 36,000.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: March 5, 2003.

Vicki S. Thorpe,

Manager, Graphics, Printing and Records Branch.

[FR Doc. 03–5694 Filed 3–10–03; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

Proposed Collection: Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Request For Reissue of United States Savings Bonds/Notes in The Name of a Person or Persons Other Than The Owner (Including Legal Guardian, Custodian for a Minor Under a Statue, etc.).

DATES: Written comments should be received on or before May 11, 2003, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Vicki S. Thorpe, 200 Third Street, Parkersburg, WV 26106–1328, or *Vicki.Thorpe@bpd.treas.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Vicki S. Thorpe, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106–1328, (304) 480–6553.

SUPPLEMENTARY INFORMATION:

Title: Request For Reissue of United States Savings Bonds/Notes In The Name Of A Person Or Persons Other Than The Owner (Including Legal Guardian, Custodian For A Minor Under a Statue, etc.).

OMB Number: 1535–0025.

Form Number: PD F 3360.

Abstract: The information is used to support a request by the owner to reissue the savings bonds/notes in the name of another person.

Current Actions: None.

Type of Review: Extension.

Affected Public: Individuals or households.

Estimated Number of Respondents: 50,000.

Estimated Time Per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 8,350.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: March 5, 2003.

Vicki S. Thorpe,

Manager, Graphics, Printing and Records Branch.

[FR Doc. 03–5695 Filed 3–10–03; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

Proposed Collection: Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Application for Disposition of Retirement Plan and/or Individual Retirement Bonds Without Administration of Deceased Owner's Estate.

DATES: Written comments should be received on or before May 11, 2003, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Vicki S. Thorpe, 200 Third Street, Parkersburg, WV 26106–1328, or *Vicki.Thorpe@bpd.treas.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Vicki S. Thorpe, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106–1328, (304) 480–6553.

SUPPLEMENTARY INFORMATION:

Title: Application for Disposition of Retirement Plan and/or Individual Retirement Bonds Without Administration of Deceased Owner's Estate.

OMB Number: 1535–0032.

Form Number: PD F 3565.

Abstract: The information is used to support a request for disposition by the heirs of deceased owners or Retirement Plan and/or Individual Retirement bonds.

Current Actions: None.

Type of Review: Extension.

Affected Public: Individuals or households.

Estimated Number of Respondents: 50.

Estimated Time Per Respondent: 20 minutes.

Estimated Total Annual Burden Hours: 17.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: March 5, 2003.

Vicki S. Thorpe,

Manager, Graphics, Printing and Records Branch.

[FR Doc. 03–5696 Filed 3–10–03; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

Proposed Collection: Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Creditor's Consent to Disposition of United States Securities and Related Checks Without Administration of Deceased Owner's Estate.

DATES: Written comments should be received on or before May 11, 2003, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Vicki S. Thorpe, 200 Third Street, Parkersburg, WV 26106–1328, or *Vicki.Thorpe@bpd.treas.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Vicki S. Thorpe, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106–1328, (304) 480–6553.

SUPPLEMENTARY INFORMATION: *Title:* Creditor's Consent to Disposition of United States Securities and Related Checks Without Administration of Deceased Owner's Estate.

OMB Number: 1535–0055.

Form Number: PD F 1050.

Abstract: The information is requested to obtain a creditor's consent to dispose of savings bonds/notes in settlement of a deceased owner's estate without administration.

Current Actions: None.

Type of Review: Extension.

Affected Public: Individuals or businesses.

Estimated Number of Respondents: 3,000.

Estimated Time Per Respondent: 6 minutes.

Estimated Total Annual Burden Hours: 300.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: March 5, 2003.

Vicki S. Thorpe,

Manager, Graphics, Printing and Records Branch.

[FR Doc. 03–5697 Filed 3–10–03; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

Proposed Collection: Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Order For Series EE and Series I U.S. Savings Bonds, and Order For Series EE and Series I U.S. Savings Bonds To Be Registered In Name Of Fiduciary.

DATES: Written comments should be received on or before May 11, 2003, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Vicki S. Thorpe, 200 Third Street, Parkersburg, WV 26106–1328, or *Vicki.Thorpe@bpd.treas.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Vicki S. Thorpe, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106–1328, (304) 480–6553.

SUPPLEMENTARY INFORMATION:

Title: Order For Series EE U.S. Savings Bonds, Order For Series I U.S. Savings Bonds, Order For Series EE U.S. Savings Bonds To Be Registered In Name of Fiduciary, and Order for Series I U.S. Savings Bonds To Be Registered In Name of Fiduciary.

OMB Number: 1535–0084.

Form Number: PD F 5263 and 5263–1 and PD F 5374 and 5374–1.

Abstract: The information is requested from the purchaser to issue Series EE/I Savings Bonds.

Current Actions: None.

Type of Review: Extension.

Affected Public: Individuals or households.

Estimated Number of Respondents: 10,000,000.

Estimated Time Per Respondent: 5 minutes.

Estimated Total Annual Burden Hours: 830,000.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: March 5, 2003.

Vicki S. Thorpe,

Manager, Graphics, Printing and Records Branch.

[FR Doc. 03–5698 Filed 3–10–03; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

Proposed Collection: Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Certificate of Ownership of United States Bearer Securities.

DATES: Written comments should be received on or before May 11, 2003, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Vicki S. Thorpe, 200 Third Street, Parkersburg, WV 26106–1328, or *Vicki.Thorpe@bpd.treas.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Vicki S. Thorpe, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106–1328, (304) 480–6553.

SUPPLEMENTARY INFORMATION:

Title: Certificate of Ownership of United States Bearer Securities.

OMB Number: 1535–0102.

Form Number: PD F 1071.

Abstract: The information is requested to establish ownership and support a request for payment.

Current Actions: None.

Type of Review: Extension.

Affected Public: Individuals or businesses.

Estimated Number of Respondents: 1,000.

Estimated Time Per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 250.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: March 5, 2003.

Vicki S. Thorpe,

Manager, Graphics, Printing and Records Branch.

[FR Doc. 03–5699 Filed 3–10–03; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

Proposed Collection: Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Application For Issue Of United States Mortgage Guaranty Insurance Company Tax And Loss Bonds.

DATES: Written comments should be received on or before May 11, 2003, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Vicki S. Thorpe, 200 Third Street, Parkersburg, WV 26106–1328, or *Vicki.Thorpe@bpd.treas.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Vicki S. Thorpe, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106–1328, (304) 480–6553.

SUPPLEMENTARY INFORMATION:

Title: Application For Issue Of United States Mortgage Guaranty Insurance Company Tax and Loss Bonds.

Form Number: PD F 3871.

Abstract: The information is used to establish and maintain Tax and Loss Bond Accounts.

Current Actions: None.

Type of Review: Extension.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 80.

Estimated Time Per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 20.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: March 5, 2003.

Vicki S. Thorpe,

Manager, Graphics, Printing and Records Branch.

[FR Doc. 03–5700 Filed 3–10–03; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF VETERANS AFFAIRS

Enhanced-Use Lease Development of Property at the Mound City National Cemetery, Mound City, IL

AGENCY: Department of Veterans Affairs.

ACTION: Notice of intent to designate.

SUMMARY: The Secretary of the Department of Veterans Affairs (VA) is designating the Mound City National Cemetery, Mound City, IL, for an enhanced-use leasing development. The Department intends to enter into a long-term lease of real property with the Mound City National Cemetery Preservation Commission who will finance, develop, maintain, and manage two buildings that total 1,900 square feet on a ½-acre Mound City National Cemetery site at no cost to VA.

FOR FURTHER INFORMATION CONTACT: Malinda Pugh, Office of Asset Enterprise Management (004B2), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–8192.

SUPPLEMENTARY INFORMATION: 38 U.S.C. 8161 *et seq.* specifically provides that the Secretary may enter into an enhanced-use lease, if the Secretary determines that at least part of the use of the property under the lease will be to provide appropriate space for an activity contributing to the mission of the Department and that the lease will enhance the property. This project meets these requirements.

Approved: March 4, 2003.

Anthony J. Principi,

Secretary of Veterans Affairs.

[FR Doc. 03–5670 Filed 3–10–03; 8:45 am]

BILLING CODE 8320–01–M

Corrections

Federal Register
Vol. 68, No. 47
Tuesday, March 11, 2003

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 171

RIN 0790–AG95

Implementation of Wildfire Suppression Aircraft Transfer Act of 1996

Correction

In rule document 03–4443 beginning on page 8822 in the issue of Wednesday, February 26, 2003, make the following correction:

§171.6 [Corrected]

On page 8824, in §171.6, in the second column, paragraph ‘‘(f)’’ should read, paragraph ‘‘(b)’’.

[FR Doc. C3–4443 Filed 3–10–03; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Program Support Center

Statement of Organization, Functions, and Delegations of Authority

Correction

In notice, document 03–3998 beginning on page 8040 in the issue of Wednesday, February 19, 2003, make the following corrections:

1. On page 8040, in the second column, paragraph ‘‘B’’ should read, paragraph ‘‘C’’.

2. On the same page, in the same column, after paragraph ‘‘A’’, add the text ‘‘ B. Under Chapter PA, Office of the Director (PA), delete *Office of Customer Relations (PAC)* in its entirety’’.

[FR Doc. C3–3998 Filed 3–10–03; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Tuesday,
March 11, 2003

Part II

Office of Personnel Management

SES Positions That Were Career Reserved During 2002; Notice

OFFICE OF PERSONNEL MANAGEMENT

SES Positions That Were Career Reserved During 2002

AGENCY: Office of Personnel Management.

ACTION: Notice

SUMMARY: As required by section 3132(b)(4) of title 5, United States Code, this gives notice of all positions in the Senior Executive Service (SES) that were career reserved during 2002.

FOR FURTHER INFORMATION CONTACT: Delores Everett, Office of Executive Resources Management, (202 606–1610.

SUPPLEMENTARY INFORMATION: Below is a list of titles of SES positions that were career reserved at any time during calendar year 2002, regardless of whether those positions were career reserved on December 31, 2002. Section 3132(b)(4) of title 5, united States Code, requires that the head of each agency publish such lists by March 1 of the following year. The Office of Personnel Management is publishing a consolidated list for all agencies.

U.S. Office of Personnel Management.

Kay Coles James,

Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002

Agency organization	Career reserved positions
Advisory Council on Historic Preservation:	
Office of the Executive Director	Executive Director.
	Special Assistant.
Department of Agriculture:	
Office of the Chief Information Officer	Deputy Chief Information Officer.
	Associate Deputy Director, NTIC.
Office of the Chief Financial Officer	Deputy Chief Financial Officer.
	Project Manager.
National Finance Center	Director, Applications Systems Division.
	Director, Information Resources Management Division.
	Director, Financial Services Division.
	Director, Thrift Savings Plan Division.
	Deputy Director.
Office of the Inspector General	Assistant Inspector General for Investigations.
	Deputy Assistant Inspector General for Investigation.
	Asst Inspector General for Audit.
	Deputy Assistant Inspector General for Audit.
	Deputy Assistant Inspector General for Audit.
	Assistant Inspector General for Policy Development and Research Management.
	Deputy Assistant Inspector General for Investment Immediate Office.
	Deputy Inspector General.
Office of the Chief Econommist	Dir Ofc of Risk Assessment and Cost-Benefit Anl Chairperson.
	Director Global Change Program Office.
	Director, Office of Energy Policy and New Uses.
Office of Operations	Director Office of Operations.
Procurement and Property Management	Director, Procurement and Property Management.
	Deputy Director, Office of Property and Procurement Management.
Office of Outreach	Director, USDA Program Outreach Division.
Rural Housing Service	Controller.
	Director Centralized Servicing Center.
Rural Business Service	Deputy Administrator for Business Programs.
Agricultural Marketing Service	Deputy Administrator, Fruit and Vegetable Programs.
	Deputy Administrator, Dairy Programs.
	Deputy Administrator, Livestock and Seed Programs.
	Deputy Administrator, Tobacco Programs.
	Deputy Administrator, Compliance and Analysis.
	Deputy Administrator, Cotton Programs.
	Deputy Administrator, Science and Technology Programs.
	Deputy Administrator, Transportation and Marketing Programs.
	Deputy Administrator, Poultry Programs.
Grain Inspection, Packers and Stockyards Administration	Director Field Management Division.
Animal and Plant Health Inspection Service	Deputy Administrator for Marketing and Regulatory Programs—Business Services.
	Associate Deputy Administrator for Management and Budget.
	Deputy Administrator, Animal Care.
	Director, Center for Plant Health Science and Technology.
	Assistant Deputy Administrator for Emergency Programs, Plant Protection and Quarantine.
	Associate Deputy Administrator, Wildlife Services.
	Assistant Deputy Administrator for Agricultural Quarantine Inspection.
	Director, Eastern Region, Wildlife Services.
	APHIS International Organization Coordinator.
Veterinary Services	Director, South Eastern Region, Veterinary Services.
	Director, Western Region.
	Director, Central Region.
	Deputy Administrator, Wildlife Services.
	Director, Animal Health Programs, Veterinary Services.
	Director, Center for Epidemiology and Animal Health.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
Plant Protection and Quarantine Service	Deputy Administrator, International Services.
	Director, Western Region.
	Director, Plant Health Programs, PPQ.
	Director, Eastern Region.
Food Safety and Inspection Service	Deputy Administrator, Office of Management.
	United States Coordinator for Codex Alimentarius.
	Assistant Deputy Administrator, Office of Management.
	Associate Deputy Administrator, Office of Policy, Program Development and Evaluation.
	Assistant Deputy Administrator, Office of Management.
	Deputy Administrator.
	Assistant Deputy Administrator.
	Deputy Administrator.
	Associate Deputy Administrator.
	Assistant Deputy Administrator.
	Assistant Deputy Administrator, District Enforcement Operations.
	Director, Technical Service Center, Office of Field Operations.
	Deputy Administrator.
	Assistant Deputy Administrator.
	Assistant Deputy Administrator, OPPDE.
	Assistant Deputy Administrator.
	Assistant Deputy Administrator.
	Associate Deputy Administrator.
	Deputy Administrator.
	Associate Administrator.
	Assistant Deputy Administrator, Office of Public Health and Science.
	Assistant Deputy Administrator, District Inspection Operations.
	Assistant Administrator, Staff Services.
	Director, Enforcement Operations.
Food and Nutrition Service	Deputy Administrator for Financial Management.
	Deputy Admr for Management.
	Deputy Administrator for Operations and Mgmt.
	Associate Administrator.
	Director, Office of Analysis and Evaluation.
Farm Service Agency	Controller.
	Director Management Services Division.
	Director, Budget Division.
	Deputy Administrator for Farm Loan Programs.
	Director, Financial Management Division.
Foreign Agricultural Service	Director, Grain and Feed Division.
	Assistant Deputy Administrator Management.
	Director, Cotton, Oilseeds, Tobacco and Seeds Division.
Risk Management Agency	Deputy Administrator for Research and Development.
	Deputy Administrator for Insurance Services Division.
Agricultural Research Service	Assistant Administrator for Technology Transfer.
	Assistant Administrator for Genetic Resources.
	Deputy Administrator for Administration and Financial Management.
	Director, Office of Pest Management Policy.
	Director, National Animal Disease Center.
	Associate Administrator, Special Interagency Programs.
	Issues Manager.
	Chief Budget Officer.
	Associate Deputy Administrator.
National Program Staff Office	Deputy Administrator National Program Staff.
	Associate Deputy Administrator for Animal PPVANDS.
	Assoicate Deputy Admin. for Natural Resources and SAS.
	Associate Deputy Administrator for Crop Production, Product Value, and Safety.
Beltsville Area Office	Director Beltsville Area Office.
	Assoicate Director Beltsville Area.
	Director United States National Arboretum.
	Director Beltsville Human Nutrition Research Center.
	Director Plant Sciences Institute.
	Director Livestock and Poultry Sciences Institute.
	Director Natural Resources Institute.
North Atlantic Area Office	Director, Eastern Regional Research Center.
	Assoc Dir, North Atlantic area.
	Director, Plum Island Animal Disease Center.
	Director, North Atlantic Area.
South Atlantic Area Office	Associate Director South Atlantic Area.
	Director, South Atlantic Area.
	Director, Center for Medical A and V Entomology.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
Midwest Area Office	Dir Midwest Area.
	Assoicate Director, Midwest Area.
	Supervisory Veterinary Medical Officer.
	Director National Center for Agri Utilization.
Midsouth Area Office	Director, Southern Regional Research Center, New Orleans.
	Director, Mid-South Area.
	Associate Director, Mid South Area.
Southern Plains Area Office	Director Southern Plains Area.
	Assoicate Director, Southern Plains Area.
Northern Plains Area Office	Director, Northern Plains Area.
	Associate Director, Northern Plains Area Office.
	Director, United States Meat Animal Research Center.
Pacific West Area Office	Director, Western Regional Research Center.
	Director, Western Human Nutrition Research Center.
	Director, Pacific West Area Office.
	Associate Director, Pacific West Area Office.
	Director, Western Cotton Research Laboratory.
Cooperative State Research, Education and Extension Service	Deputy Administrator Partnerships.
	Special Asst to the Administrator, CSREES.
	Deputy Administrator, Economic and Community Systems.
	Deputy Administrator, Office of Extramural Programs.
	Deputy Administrator, Information Systems and Technology Management.
Economic Research Service	Administrator, Economic Research Service.
	Associate Administrator-Economic RSCH SVC.
	Director, Natural Resources and Environment Division.
	Director, Information Services Division.
	Budget Coordinator and Strategic Planner.
	Dir Food and Consumer Economics Division.
	Director, Market and Trade Economics Division.
National Agricultural Statistics Service	Administrator, National Agricultural Statistics Service.
	Deputy Administrator for Field Operations.
	Associate Administrator.
	Deputy Administrator for Programs and Products.
	Director, Statistics Division.
	Director, Research and Development Division.
	Director, Census and Survey Division.
	Director, Information Technology Division.
	Associate Deputy Administrator (Western United States).
	Associate Deputy Administrator (Eastern United States).
Natural Resources Conservation Service	Director Engineering Division.
	Director Ecological Sciences and Technology Division.
	Director, Soils (Soil Scientist).
	Director, Strategic Planning Division.
	Director, Operations Management and Oversight.
	Regional Conservationist—South Central.
	Regional Conservationist—Midwest Region.
	Director Conservation Operations Division.
	Deputy Chief for Management and Strategic Planning.
	Assistant Deputy Administrator.
	Senior Soil Scientist.
	Natural Resources Manager.
	Special Assistant to the Chief (Program Manager).
	Deputy Chief for Strategic Planning and Accountability.
	Director, Resource Conservation and Community Development Division.
	Director, Resource Inventory Division.
	Director, Animal Husbandry and Clean Water Programs Division.
	Associate Deputy Chief for Programs, Air, Water and Soil.
	Director, Resource Assessment Division.
	Associate Deputy Chief for Programs (Animal Husbandry).
	Director, Resource Economics and Social Sciences Division.
	Regional Conservationist—Northern Plains.
	Special Assistant to the Chief.
Forest Service	Associate Deputy Chief—Business Operations.
	Director, Fire and Aviation Staff.
	Deputy Chief, Office of Finance (CFO).
	Deputy Chief, Business Operations.
	Chief Operating Officer.
	Director, Financial Management Staff.
Research	Director, Vegetation Management and Protection Research Staff.
	Director, Resource Valuation and Use Research Staff

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Director, Wildlife, Fish and Watershed Research Staff.
	Director, Science Policy, Planning, and Information Staff.
National Forest System	Dir, Range Management Staff.
.	Director, Forest Management Staff.
	Director, Engineering Staff.
	Director, Lands Staff.
	Director, Ecosystem Management Coordination.
	Director, Wildlife, Fish, and Rare Plants.
	Director, Minerals and Geology Management Staff.
	Director, Watershed and Air Management Staff.
	Director, Recreation, Heritage, and Wilderness Research Staff.
State and Private Forestry	Director Cooperative Forestry.
	Director, Forest Health Protection.
Field Units	Northeast Area Director, State and Private Forestry.
	Station Director, North Eastern Forest Experiment Station (Newtown Square).
	Director, North Central Forest Experiment Station (Saint Paul).
	Dir, Pacific Northwest Forest and Range Experiment Station (Portland).
	Director, Pacific Southwest Forest and Range Experiment Sta (Vallejo).
	Director Rocky Mtn Forest and Range Experiment State (Ft. Collins).
	Director, Southern Research Station (Asheville).
	Director, Forest Products Laboratory (Madison).
	Dep Regional Forester, Pacific Northwest Region (Portland).
International Forest System	Director International Institute of Tropical Forest (Rio Piedras).
American Battle Monuments Commission:	
Office of Executive Director	Executive Director.
Broadcasting Board of Governors:	
International Broadcasting Bureau	Dir Engineering and Technical Operations.
	Deputy for Engineering Resource Control.
	Deputy for Network Operations.
	Associate Director for Management.
Department of Commerce:	
Department of Commerce	Deputy Assistant Inspector General for Auditing.
	Deputy Director for Financial Services/Deputy Chief Financial Officer.
	Chief Financial Officer and Chief Administrative Officer.
	Deputy Chief Financial Officer/Direct of Budget.
	Deputy Chief Administrative Officer.
	Deputy Chief Financial Officer/Deputy Chief Administrative Officer.
	Chief Information Officer.
	Deputy Director for Financial Policy.
	Chief Information Officer and Director for High Performance Computing and Communications.
	Ch Standard Reference Materials Program.
Office of the Secretary	Director, Office of Information Policy, Planning and Review.
Office of the Chief Financial Officer and Assistant Secretary for Administration.	Director for Y2K Outreach.
	Deputy Director, Office of Budget.
	Deputy Chief Information Officer.
	Director for Administrative Services.
Office of the General Counsel	Asst General Counsel for Finance and Litigation.
	Director, Office of Executive Support.
Office of the Assistant Secretary for Administration	Director for Security
Director for Human Resources Management	Director for Human Resources Management.
	Deputy Director of Human Resources Management.
Director for Financial Management	Dir for Financial Management and Deputy Chief Financial Officer.
Office of Budget Management and Information and Chief Information Officer.	Director, Office of Budget.
Director for Executive Budgeting and Assistance Management	Dir for Federal Ass and Management Support.
Office of Security and Administrative Services	Director, Office of Security.
	Director, Office of Acquisition Management.
Office of the Assistant Secretary for Administration	Director for Technology Management.
	Deputy Assistant Secretary and Director for Security.
Office of Inspector General	Assistant Inspector General for Administration.
	Assistant Inspector General for Systems Evaluation.
Office of Counsel to the Inspector General	Counsel to the Inspector General.
Office of Inspections and Program Evaluation	Assistant Inspector General for Inspections and Program Evaluation.
Office of Audits	Assistant Inspector General for Auditing.
Office of Investigations	Assistant Inspector General for Investigations.
Economics and Statistics Administration	Director, Stat—USA.
	Deputy Director, Office of Policy Development.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
Office of Policy Development	Senior Executive for Research.
Bureau of the Census	Assistant Director for Marketing and Customer Liaison.
	Chief, Human Resource Division.
Office of the Director	Assoc Dir for Field Operations.
	Chief Decennial Sys and Contracts Magnt Office.
	Principal Assoc Dir and Chief Financial Offc.
	Principal Associate Director for Programs.
	Special Advisor to the Deputy Director.
	Chief, Policy and Stategic Planning Division.
	Assistant to the Director.
Administrative and Customer Services Division.	Chief Admin and Customer Services Division.
Associate Director for Information Technology.	Assistant to the Director for Information Technology.
	Assoc Dir for Information Technology.
Data Preparation Division	Chief National Processing Center.
Associate Director for Economic Programs	Associate Director for Economic Programs.
	Assistant Director for Economic Programs.
Economic Planning and Coordination Division	Chf, Economic Planning and Coordination Div.
Economic Statistical Methods and Programming Division	Chf, Economic Statistical M and P Division.
Agriculture and Financial Statistics Division	Chief Company Statistics Division.
Services Division	Chief Service Sector Statistics Division.
Foreign Trade Division	Chf, Foreign Trade Div.
Governments Division	Chf, Government Div.
Manufacturing and Construction Division	Chief, Manufacturing and Construction Division.
Associate Director for Decennial Census	Associate Director for Decennial Census.
	Asst to the Assoc Dir for Decennial Census.
	Assistant Director for Decennial Census.
Decennial Management Division	Chief, Decennial Management Division.
Geography Division	Chf, Geography Division.
Decennial Statistical Studies Division	Chief, Decennial Statistical Studies Division.
Associate Director for Demographic Programs	Associate Director for Demographic Programs.
	Chf, Population Division.
	Chief, Demographic Surveys Division.
Housing and Household Economic Statistics Division	Chf, Housing and Household Econ Statistics Div.
Demographic Statistical Methods Division	Chief, Statistical Methods Division.
Associate Director for Methodology and Standards	Chief, Planning, Research, and Evaluation Division.
	Associate Direct for Methodology and Standards.
Statistical Research Division	Chief Statistical Research Division.
Bureau of Economic Analysis	Associate of Economic Analysis.
Office of the Director	Director.
	Deputy Director, Bur of Economic Analysis.
	Chief Economist.
	Chf Statistician.
	Associate Director for Management and Chief Administrative Officer.
Associate Director for Regional Economics	Assoc Dir for Regional Economics.
Associate Director for International Economics	Assoc Dir for International Economics.
Associate Director for National Income, E & W Accounts.	Assoc Dir for Natl Inc, Exp, Wealth Accounts.
	Chf Natl Income and Wealth Div.
	Chief International Investment Division.
	Chief, Computer Systems and Services Division.
Director of Administration	Director of Administration.
Office of the Assistant Secretary for Export Enforcement	Deputy Assistant Secretary for Export Enforcement.
	Director Office of Export Enforcement.
Office of the Assistant Secretary for Economic Development	Chief Financial Office/Chief Administrative Officer (CFO/CAO).
International Trade Administration	Director, Office of Environmental Technologies Industries.
Office of the Under Secretary	Chief, Financial Officer and Director of Administration.
Office of the Director of Administration	Human Resources Manager.
Office of Consumer Goods	Director Office of Consumer Goods.
Deputy Assistant Secretary for Market Access and Compliance	Dir Trade Compliance Center.
Market Access and Compliance	Director, Office of Eastern Europe, Russia, and Independent States.
	Director, Office of Multilateral Affairs.
Deputy Assistant Secretary for Agreement Compliance	Associate Director for Management.
National Oceanic and Atmospheric Administration	Chief Financial Officer/Chief Admin Officer.
	Director Staff Office for International Programs.
	Director, Office of Operations, Management and Information.
Office of International Affairs	Chief Financial Officer/Admin Officer.
Office of Finance and Administration	Director, Budget Office.
	Director, Major Projects Office.
	Dir for Human Resources Management.
	Director, Finance Office/Comptroller (Finance Office/Comptroller).
Office of High Performance Computing and Communications	Director for High Performance Computing and Communications.
Systems Acquisition Office	Chief Information Officer and Information Technology Acquisition Manager.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
Office of Assistant Administrator Ocean Serv and CZM	Senior Ocean Policy Advisor.
National Ocean Service	Associate Assistant Administrator for Management and Chief Financial Officer/Chief Administrative Officer.
	Director, National Centers for Coastal Ocean Science and Scientist for NOS.
	Deputy Director, National Centers for Coastal Ocean Science Senior Scientist.
	Director, Office of National Geodtic Survey (National Geodtic Survey).
NOAA Coastal Services Center	Director, National Centers for Coastal Ocean Science.
Strategic Environmental Assessments Division	Chf, Strategic Environmental Assessments Div.
Coastal Monitoring and Bioeffects Assessment Division	Chief Coastal Monitoring Bioeffects Asses Div.
Hazardous Materials Response and Assessment Division	Chf, Hazardous Materials R and A Division.
Office of the Assistant Administrator for Weather Services.	Senior Advisor.
	Director, Strategic Planning and Policy Office.
Office of the Chief Information Officer	Chief Information Officer.
Management and Budget Office	Dep Chf Fin Ofc/Chief Adm Officer.
Officer—Fed Coordinator—Meteorology	Dir. Ofc of the Fed Coord for Meterology.
Office of Hydrologic Development	Director, Office of Hydrologic Development.
Hydrology Laboratory	Director, Hydrology Laboratory.
Office of Science and Technology	Chief, Programs and Plans Division.
	Director, Office of Science and Technology.
Meteorological Development Laboratory	Director, Meteorological Development Laboratory.
Systems Engineering Center	Director, Systems Engineering Center.
Office of Operational Systems	Director, Office of Operational Systems.
Field Systems Operations Center	Director, Field Systems Operations Center.
Telecommunications Operations Center	Chief, Telecommunications Operations Center.
Maintenance, Logistics, and Acquisition Division	Chief, Maintenance, Logistics, and Acquisition Division.
Radar Operations Center	Director, Nexrad Operational Support Facility.
National Data Buoy Center	Director, National Data Buoy Center.
Office of Climate, Water, and Weather Services	Director, Office of Climate, Water, and Weather Services.
	Chief, Meteorological Services Division.
Eastern Region	Director Eastern Region NWS.
Southern Region	Dir Southern Region, Ft Worth.
Central Region	Director Central Region.
Western Region	Dir, Salt Lake City Region.
Alaska Region	Dir, Alaska Region, Anchorage.
National Centers for Environmental Prediction	Dir Nat'l Severe Storms Lab.
	Dir Natl Ctr for Environmental Prediction.
	Director, Environmental Modeling Center (EMC) and Deputy Director for Science.
	Director, Aviation Weather Center.
NCEP Central Operations	Director, Central Operations.
Hydrometeorological Prediction Center	Chief, Meteorological Operations Division.
Climate Prediction Center	Dir Climate Prediction Ctr (CPC).
Storm Prediction Center	Director, Storm Prediction Center.
Tropical Prediction Center	Dir Tropical Prediction Ctr Natl Hurricane Ct.
National Marine Fisheries Service	Dir Seafood Inspection Program.
	Director Office of Sustainable Fisheries.
	Deputy Assistant Administrator for Regulatory Programs.
	Director, Office of Habitat Protection.
Office of Fisheries Conservation and Management	Chief Intergovernmental and Recreational F and M.
Office of Protected Resources	Director Office of Science and Technology.
Northeast Fisheries Science Center	Science and Research Dir Northeast Region.
Southeast Fisheries Science Center	Science and Research Dir.
Northwest Fisheries Science Center	Science and Research Dir.
Southwest Fisheries Science Center	Science and Research Dir Southwest Region.
Alaska Fisheries Science Center	Science and Research Director.
Office of Asst Administrator Satellite, Data Info Serv	Chief Financial Officer/Chief Administrative Officer SR SCI For Environ Satel, D and I Serv (NDSDIS).
Director NPOESS Integrated Program	Systems Program Director.
National Climatic Data Center	Director, National Climatic Data Center.
National Oceanographic Data Center	Director, National Oceanographic Data Center.
National Geophysical Data Center	Dir, National Geophysical Data Center.
Office of Systems Development	Director, Requirements, Planning and System integration Division.
	Director, Satellite and Ground Systems Program.
	Dir Ofc of Sys Development.
Office of Assistant Administrator, Ocean and Atmospheric Research.	Program Director for Weather Research.
	Director, Weather and Air Quality Research.
	Chief Financial officer/Chief Administrative Officer.
	Deputy Assistant Administrator for Extramural Research.
National Sea Grant College Program	Director, National Sea Grant College Program.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
Aeronomy Laboratory	Director, Aeronomy Laboratory.
Air Resources Laboratory	Director Air Resources Laboratory.
Atlantic Ocean and Meteorology Laboratory	Dir, Atlantic Oceanographic and Meteorological.
Geophysical Fluid Dynamics Laboratory	Director.
Great Lake Environmental Research Laboratory	Director Great Lakes Environmental Research Laboratory.
Pacific Marine Environmental Research Laboratory	Director Pacific Marine Environmental Laboratory.
Space Environmental Center	Director, Space Environment Laboratory.
Environmental Technology Laboratory	Director.
Forecast Systems Laboratory	Director, Forecast Systems Laboratory.
Climate Monitoring and Diagnostics Laboratory	Director Climate Monitoring and Diagnostics Laboratory.
Institute for Telecommunication Sciences	Assoc Admr for Telecommunications Science.
Institute for Telecommunication Sciences, Systems and Networks Division.	Deputy Dir for Systems and Networks.
Patent and Trademark Office	Dep Admin for Legislative and International Aff.
	Deputy General Counsel for Intellectual Property and Solicitor.
	Patent Examining Group Director.
	Patent Examining Group Director.
Chemical Patent Exam Groups	Group Director 110.
	Group Director 120.
	Group Director—130.
	Group Director 150.
	Deputy Group Director—110.
	Group Director—180.
	Deputy Group Dir 150.
Office of Assistant Commissioner for Patents	Administrator for Search and Information Res.
	Deputy Assistant Commissioner For Patent Process Services.
	Deputy Group Director—1300.
Examining Group Directors	Group Director.
	Group Director.
	Group Director.
	Group Director.
	Group Director.
	Patent Examining Group Director.
	Patent Examining Group Director.
	Patent Examining Group Director.
Electrical Patent Exam Groups	Group Director for 260.
	Group Director 210.
	Group Director 220.
	Group Director—230.
	Group Director 240.
	Group Director 250.
	Deputy Group Director—250.
	Deputy Group Director—260.
	Deputy Group Director—230.
Mechanical Patent Exam Groups	Group Director—310.
	Group Director—320.
	Group Director—330.
	Group Director—340.
	Group Director—350.
Office of Asst Commissioner for Trademarks	Chairman, Trademark Trial and Appeal Board.
	Deputy Assistant Commissioner for Trademarks.
	Director, Trademark Examining Operation.
	Group Director, Trademark Law Offices.
	Group Director, Trademark Law Offices.
	Deputy Commissioner for Trademark Examination Policy.
	Group Director, Trademark Law Offices.
	Group Director, Trademark Law Offices.
National Institute of Standards and Technology	Deputy Director, Nist Center for Neutron Research.
	Chief, Optical Technology Division.
	Director, Information Technology and Applications Office.
Office of the Director, National Institute of Standards and Technology.	Director for Administration and Chief Financial Officer.
	Deputy Director for Management Services.
	Deputy Director for Safety and Facilities.
	Executive Director, Visiting Committee on Advanced Technology Program.
	Director, Boulder Laboratories.
Office of Quality Programs	Director for Quality Programs.
	Deputy Director, Ofc of Quality Programs.
Program Office	Director, Program Office.
	Deputy Director, Information Tech Laboratory.
Office of International and Academic Affairs	Director International and Academic Affairs.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Chief Financial Officer.
Office of the Director for Technology Services	Deputy Director, Technology Services.
Manufacturing Extension Partner Ship Program	Assoc Dir for National Programs.
	Director, Manufacturing Extension Partnership Programs.
	Deputy Director, Manufacturing Ext Partnership Prog.
Directors Office, Technology Innovation	Dir, Ofc of Technol Evaluation and Assessment.
Directors Office, Advanced Technology Program	Dir Information Technology Laboratory.
	Associate Dir for Policy and Operations.
	Deputy Director, Advanced Technology Program.
	Director, Advanced Technology Program.
	Dir, Materials and Manufacturing Technology Ofc.
	Director, Electronics and Photonics Technology Office.
Economic Assessment Office	Director, Economic Assessment Office.
Electronics and Electrical Engineering Laboratory	Director, Electronics and Electrical Engineering Laboratory.
	Chief Optoelectronics Division.
	Deputy Director.
	Dir, Office of Microelectronics Programs.
Manufacturing Engineering Laboratory Office	Chief, Office of Manufacturing Programs.
	Deputy Director, Manufacturing Engineering Laboratory.
	Deputy Director, Manufacturing Engineering Laboratory.
Precision Engineering Division	Chief, Precision Engineering Division.
Intelligent Systems Division	Chief, Intelligent Systems Division.
Chemical Science and Technology Laboratory Office	Chief Process Measurements Division.
	Dir, Chemical Sci and Technology Laboratory.
	Deputy Director, Chemical Sci and Technol Laboratory.
Physical and Chemical Properties Division	Chief, Physical and Chemical Properties Div.
Analytical Chemistry Division	Chief, Analytical Chemistry Division.
Physics Laboratory Office	Mgr, Fundamental Constants Data Center.
	Director, Physics Laboratory.
	Deputy Director, Physics Laboratory.
Electron and Optical Physics Division	Chief Electron and Optical Physics Division.
Atomic Physics Division	Chief, Atomic Physics Division.
	Chief, Quantum Metrology Division.
Time and Frequency Division	Chief, Time and Frequency Division.
Quantum Physics Division	Senior Scientist and Fellow of Jila.
	Senior Scientist and Fellow of Jila.
	Chief, Quantum Physics Division.
Materials Science and Engineering Laboratory Office	Dir, Materials Sci and Eng Laboratory.
Ceramics Division	Deputy Director, Materials Scientist and Engineering Laboratory.
	Chief, Ceramics Division.
Materials Reliability Division	Chief Materials Reliability Div.
Reactor Radiation Division	Chief, Reactor Radiation Division.
	Group Leader Neutron Condensed Matter Science.
	Chief, Reactor Operations.
Building and Fire Research Laboratory	Chief, Fire Safety Engineering Division.
	Dir, Building and Fire Research Laboratory.
	Deputy Director, Building and Fire Research Laboratory.
	Chief, Fire Safety Engineering Division.
Building Materials Division	Chf, Building Materials Div.
Building Environment Division	Chief, Building Environment Division.
Fire Science Division	Chief, Fire Science Division.
Computer Systems Laboratory Office	Associate Director for Program Implementation.
Advanced Network Technologies Division	Chief Advanced Network Technologies Div.
Computing and Applied Mathematics Laboratory Office	Associate Director for Computing.
	Chief High Perf Systems and Services Division.
National Technical Information Service	Deputy Director, Natl Technical Info Service.
O/AD for Financial & Administrative Management	Assoc Dir for Finance and Administration.
	Comptroller.
Commodity Futures Trading Commission:	
Office of the General Counsel	Deputy General Counsel (Litigation).
	Deputy General Counsel (Opinions and Review).
	Deputy General Counsel (Reg and Adm).
	Deputy General Counsel.
Office of the Executive Director	Dep Exec Dir
	Dir, Ofc in Information Resources Mgmt.
	Director, Office of Financial Management.
Division Economic Analysis	Dep Chf Economist.
	Chief Counsel.
	Associate Director for Surveillance.
Division of Enforcement	Deputy Director (Western Operations).
	Deputy Director (Eastern Operations).
	Associate Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Associate Director.
	Associate Director.
Division of Trading and Markets	Deputy Director (Contract Markets).
	Chief Counsel.
	Counsel for Special Projects.
Consumer Product Safety Commission:	
Office of Executive Director	Assistant Executive Director for Compliance.
	Associate Executive Dir for Field Operations.
	Asst Exec Director for Information Services.
Office of Hazard Identification and Reduction	Assoc Exec Dir for Engineering Sciences.
	Associate Executive Director for Economic.
	Asst Exec Dir for Hazard I and R.
	Deputy Assistant Executive Director for Hazard Identification and Reduction.
	Associate Executive Director for Epidemiology.
Office of the Secretary of Defense:	
Office of the Secretary	Asst to the Secry of Def Intelligence Oversig.
	Deputy Assistant to the Secretary of Defense (Intelligence Oversight).
Office of Under Secretary for Policy	Foreign Relations and Defense Policy Manager.
Office of the Assistant Secretary of Defense	Director for Nuclear Safety and Security Nato Policy.
Office of Assistant Secretary (Solic)	Deputy Assistant Secretary of Defense (Forces and Resources).
	Director for Programs, Resources and Assessments.
	Dir Requirements and Technology and Acquisition.
Director, Operational Test and Evaluation	Deputy Director for Live Fire Test and Evaluation.
	Deputy Director for Resources and Ranges.
Ofc of Inspector General	Deputy Inspector General.
	Asst Inspector General for Investigations.
	Dep Asst Inspector Gen for Investigations.
	Asst Insp Gen for Adm and Info Management.
	Dir, Audit Planning and Technical Support.
	Director, Contract Management.
	Director, Financial Management.
	Deputy Asst Inspector General for Auditing.
	Asst Inspector General for Auditing.
	Dir for Investigative Operations.
	Director, Acquisition Management Directorate.
	Dep Asst Insp Gen for Criminal Invest P and O.
	Director, Office of Departmental Inquiries.
	Director, Office of Intelligence Review.
	Director, Readiness and Logistics Support.
	Director for Audit Follow-up and Technical Support.
	Deputy Assistant Inspector General for Audit Policy and Oversight.
	Director, Office of Administration and Information Management.
	Assistant Inspector General for Inspection and Policy.
	Assistant Inspector General for Investigations.
	Assistant Inspector General for Auditing.
	Director, Defense Criminal Investigative Service.
	Deputy Director, Defense Criminal Investigative Service.
	Assistant Inspector General for Inspections and Policy.
	Assistant Inspector General for Investigations.
	Assistant Inspector General for Auditing.
Ofc of Asst Secy of Defense (Reserve Affairs)	Principal Director (Manpower and Personnel).
Ofc Dep Asst Secy (Civilian Personnel P/E Opportunity)	Principal Director and Director, Workforce Relations and Development.
ODASD (Requirements & Resources)	Director, Program and Budget Coordination.
Department of Defense Education Activity	Associate Director for Management.
Office Assistant Sec Health Affairs	Dir Info Management Tech and Reengineering.
	Director Acquisition Management and Support.
	General Counsel.
Office of Asst Secy of Def for Public Affairs	Director, AFIS
	Dir Armed Forces Radio and Television Service.
	Deputy Director, American Forces Information Service.
	Special Assistant to the ASD (Public Affairs).
Office of the Under Secretary of Defense (Comptroller)	Dir. Prog and Fin Control.
	Deputy Director for Program and Financial Control.
	Deputy Chief Financial Officer.
	Deputy Chief Financial Officer.
Office of Director of Administration & Management	Deputy Director, Pentagon Force Protection Agency.
Washington Headquarters Services	Director of Personnel and Security.
	Dir, Freedom of Information and Security Review.
	Director Real Estate and Facilities.
	Deputy Director, Real Estate and Facilities.
	Deputy Director, Personnel and Security.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
Office of the General Counsel	Deputy General Counsel (IG).
	Dir Def Ofc of Hearings and Appeals.
Office of the Under Secretary of Defense (Acquisition, Technology, and Logistics).	Executive Director, Defense Science Board.
	Director, Pacific Armaments Cooperation.
	Dir Planning and Analysis.
	Deputy Director, Defense Acquisition Regulations System.
	Director, Acquisition Resources and Analysis.
	Deputy Director, Resource Analysis.
	Principal Deputy, Acquisition Resources and Analysis.
	Deputy Director, OSD Studies and FFRDC Programs.
Deputy Under Secretary of Defense (Acquisition and Technology)	Director for Defense Procurement.
	Deputy Director Naval Warfare.
	Deputy Dir, Cost Pricing and Finance.
	Deputy Director Munitions.
	Sr Staff Special For Air Superiority Systems.
	Deputy Director, Contract Pol and Administration.
	Deputy Director Land Warfare.
	Deputy Director, Def Syst Procurement Strategies.
	Deputy Director, Def Syst Procurement Strategies.
	Deputy Director Electronic Warfare.
	Deputy Director, Foreign Contracting.
	Deputy Director for Policy Initiatives.
	Special Asst Concepts and Plans.
	Dir OSD Studies and FFRDCA.
	Princ Deputy Director, Strategic and Tactical Systems.
	Deputy Director Air Warfare.
	Deputy Director Arms Control Implementation Compl.
	Asst Deputy Director, Arms Control I and C
	Director Ind Capabilities and Assessments.
	Deputy Director (Missile Warfare).
	Deputy Director, Developmental Test and Evaluation.
	Assistant Deputy Under Secretary of Defense (Acquisition Process and Policies).
	Principal Assistant Deputy Under Secretary of Defense (Acquisition Reform).
	Assistant Deputy Director, Air Warfare.
	Deputy Director, Acquisition Management.
	Deputy Director, Acquisition Management.
	Deputy Director, Electronic Business.
	Deputy Director, Defense Acquisition Regulations System.
	Deputy Director, Defense Procurement Strategies.
	Director, Defense Procurement and Acquisition Policy.
Asst to the SEC of Def for Nuclear & Chemical & Biological Defense Programs.	DAS of Def (Nuclear Treaty Programs).
	Deputy Assistant to the Under Secretary of Defense (Nuclear Matters).
	Deputy Asst to the Under Secy of Defense (Chemical and Biological. Defense).
Office of the Director of Defense Research & Engineering	Director, Space and Sensor Technology.
	Director for Weapons Systems.
	Assistant Deputy Under Secretary of Def (FDP).
	Director for Bio Systems.
	Director for Science and Technology Plans and Programs.
	Director for Technology Transition.
	Director for Multi-Disciplinary Systems.
	Director for Information Technologies.
	Director for Information Technologies.
	Director for Information Technologies.
Ofc of Asst Secy (Command, Control, Commun & Intel)	Director, Program Analysis and Integration.
	Director, Program Analysis and Integration.
	Director, Technology and Evaluation.
	Director, Counterintelligence.
	Director, Counterintelligence.
	Director, International Affairs.
Defense Advanced Research Project Agency (DARPA)	Dir, Contracts Management Office.
	Special Asst, Information Technology.
	Deputy Director DARPA.
	Prog Manager (Joint Applications Study Group).
	Director, Tactical Technology Office.
	Deputy Director, Management Operations.
	Program Manager (Acquisition Innovation).
	Director, Microsystems Technology Office.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Deputy Director, Information Technology Office.
	Director, Information Technology Office.
	Executive Director, Future Combat Systems.
	Joint Applications Study Group Program Manager.
	Deputy Director, Advanced Technology Office.
	Deputy Director, Tactical Technology Office.
	Director, Special Projects Office.
Office of the Joint Chiefs of Staff Missile Defense Agency	Deputy Director for Wargaming, Simulation and Analysis.
	Deputy for Program Operations.
	Director, Contracts Directorate.
	Deputy for Technology.
	Asst Dep for Theater Air and Missile Defense.
	Chief Architect/Engineer.
	Deputy Chief Architect/Engineer.
	Deputy for System Development.
	Executive Director.
	Deputy Program Manager, National Missile Defense Joint Program Office.
	National Missile Defense Technical Director (NMD TD).
	Deputy for Acquisition Strategy and Long Range Planning.
	Deputy for Program Integration.
	Director, Advanced Concepts.
	Deputy Director, Advanced Concepts.
	Deputy Director, Joint National Integration Center.
	Deputy Program Director for Battle Management, Command and Control.
	Director, Combined Test Force, Ground-Based Midcourse Defense-.
	Joint Program Office (GMD–JPO).
Defense Contract Audit Agency	Deputy Director, DCAA.
	Assistant Director, Operations.
	Asst Dir, Policy and Plans.
	Director, Field Detachment.
	Director, DCAA.
	Deputy Regional Director, Western Region.
Regional Managers	Regional Director, Eastern.
	Regional Director, Northeastern.
	Regional Director, Central.
	Regional Director, Western.
	Regional Director, Mid-Atlantic.
	Dep Regional Director Eastern Region.
	Deputy Regional Director Northeastern Region.
	Deputy Regional Dir Central Region.
	Dep Reg Dir Mid Atlantic Region.
Defense Logistics Agency	Chief Actuary.
	Dir, Defense Manpower Data Center.
	Dep Commander, Def Construction Supply Ctr.
	Deputy Commander Defense Distribution Center.
	Comptroller.
	Exe Dir, Resource, Planning and Performance Dir.
	Director, Information Operaitons (J–6).
	Dir, Civilian Personnel Mgmt Service.
	Executive Director Human Resources.
	Director, Defense Energy Support Center.
	Executive Director, Electronic Business Office.
	Executive Director.
	Executive Director, Business Modernization.
	Executive Director, Logistic Policy and Acquisition Management.
	Program Executive Officer.
	Executive Director, Business Operations.
	Deputy Director, Information Operations/Chief Technical Officer.
	Deputy Director for Program Support.
Office of General Counsel	General Counsel, DLA.
	Deputy General Counsel (Administration).
Office of Deputy Director, Material Management	Deputy Commander, Defense General Supply Ctr.
	Deputy Commander (DLSC).
Defense Personnel Support Center	Deputy Commander, DPSC.
Defense Training & Performance Data Center	Deputy Dir Defense Manpower Data Center.
Defense Contract Management Agency	Director, Defense Contract Management Agency-East.
	Director, Defense Contract Management Agency-East.
	Director, Defense Contract Management Agency-West.
	Director, Defense Contract Management Agency-West.
	Deputy Executive Director, Contract Management Operations.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Executive Director, Contract Mgmt Operations.
	Executive Director, Program Integration (Acquisition).
	Deputy Director, Defense Contract Management Agency.
	Executive Director, Financial and Business Operations and Comptroller.
	Chief Information Officer.
	Program Executive Officer/Executive Director, Standard Business Systems.
	General Counsel.
	Deputy General Counsel.
Defense Information Systems Agency	Comptroller.
	Director for Strategic Plans and Policy.
	Special Assistant for Liaison Activities.
	Chief, Technology and Standards Division.
	Principal Director for Interoperability.
	Special Asst/Infrastructure and Information System Security.
	Chief Engineer, Information Systems Security.
	Chief Spectrum Anal and Mangnt Division.
	Principal Director for Computing Services.
	Chief, Policy, Plans, and Appropriated Programs Division.
	Chief, Defense Computing Business Office.
	Chief, Defense Information Systems Network Business Office.
	Assistant for Program Oversight.
	Director for Manpower, Personnel and Security.
	Principal Director for Applications Engineering.
	Deputy Comptroller.
	Chief, Plans, Concepts and C2 Applications Division.
	Assistant for C4I Enterprise Program Integration.
	Chief Engineer, Center for Integrated Switched Network Services.
	Chief Executive Engineer, Network Services Directorate.
	Chief, Center for Defense Information Systems Networks Services.
	Chief, Customer Focus Center.
	Chief Executive for Information Technology Systems and Programs.
	Chief Technology Officer, Disa Westhem.
	Chief, Transformation Executive.
	Principal Director for Network Services.
	Chief, Global Information Grid Network and Information Operations.
Office of the Director	Deputy Manager National Commun Systems.
	Inspector General.
Directorate for Strategic Plans and Policy	Chief Information Officer.
Directorate for C4 & Intelligence Programs	Tech Dir Adv Info Tech Services Joint Prog.
	Director for Technical Integration Services.
Directorate for Operations	Technical Dir, Space Information Syst Office.
Directorate Disa, for Logistics, F & S Projects	Director for Procurement and Logistics.
Directorate for Enterprise Integration	Deputy Director for Joint R A and I.
Defense Threat Reduction Agency	Staff Spec for Spec Tech Program.
	Chief, Weapons Lethality Division.
	Deputy Director, Operations Directorate.
	Director for Electronics and Systems.
	Director for Weapons Effects.
	Chief, Simulation and Test Division.
	Director for Programs.
	Program Director, Special Programs Office.
	Dir for Counterproliferation Programs.
	Comptroller.
	Deputy Director, on Site Inspection Plans and Resources.
	Director, Counterproliferation Support and Operations.
	Director, Acquisition Management.
	Director, Chemical-Biological Defense.
	Deputy Director, Technology Security.
	Chief Scientist.
Defense Security Assistance Agency	Chief Information Officer.
Defense Finance & Accounting Service	Deputy Director, Cleveland.
	Principal Deputy Director Defense Finance and Accounting Service.
Defense Security Service	Dir, Defense Investigative Service.
	Deputy Director for Developmental Programs.
	Deputy Director for Security Programs.
	Deputy Director for Field Operations.
	Deputy Director for Program Analysis and Evaluation.
	Deputy Director for Resources.
	Deputy Director, DSS.
Department of the Air Force:	

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
Office of Administrative Assistant to the Secretary	Administrative Assistant.
	Deputy Administrator Assistant.
Office of Small & Disadvantaged Business Utilization	Director, Office of Small and Disadvantage Bus Utilization.
Auditor General	Auditor General of the Air Force.
Air Force Audit Agency (FOA)	Assistant Auditor General (Support and Personnel Audits).
	Asst Aud Gen (Operations).
	Deputy Auditor General of the Air Force.
	Assistant Auditor General (Support and Personnel Audits).
	Assistant Auditor General (Acquisition and Logistics Audits).
	Assistant Auditor General (Financial and Systems Audits).
AF Office of Special Investigations (FOA)	Executive Director.
	Executive Director, Defense Cyber Crime Center (DCCC).
Office of the General Counsel	Deputy General Counsel (Dispute Resolution).
ODAS Budget	Chief, Budget Management Division.
	Deputy for Budget.
	Chief, Budget Investments Directorate.
ODAS Cost & Economics	Associate Deputy Assistant Secretary (Cost and Economics).
	Deputy Assistant Secretary (Cost and Economics).
Office of ASAF for Acquisition	Director, Air Force Center for Acquisition Excellence.
	Principal DAS (Acquisition and Mgmt).
ODAS Science, Technology & Engineering	Deputy Assistant Secretary (Science, Technology and Engineering).
ODAS Management Policy & Program Integration	Associate Deputy Assistant Secretary, Management Policy and Program Integration.
	Deputy Assistant Secretary (Management Policy and Program Integration).
ODAS Contracting	Associate Deputy Assistant Secretary (Contracting).
Directorate of Space and Nuclear Deterrence	Deputy Director, Space and Nuclear Deterrance.
Air Force Program Executive Office (FOA)	Air Force Program Executive Officer, Weapons.
	Deputy Program Executive Officer (Command and Control and Combat Support Systems).
	Air Force Program Executive Officer for Services.
Air Force Review Boards Agency (AFRBA)—FOA	Deputy for Air Force Review Boards.
Air Force Base Conversion Agency (FOA)	Director Air Force Base Conversion Agency.
Office of the Chief of Staff	Air Force Historian.
Test and Evaluation	Deputy Director Test and Evaluation.
Air Force Studies and Analyses Agency (DRU)	Director, Air Force Studies and Analyses Agency.
Deputy Chief of Staff, Warfighting Integration	Director, Architecture and Interoperability.
	Assistant Deputy Chief of Staff for Warfighting Integration.
	Director, C4ISR Architecture and Assessment.
AF Command and Control and Intelligence Surveillance Reconaissance Center (FOA).	Senior Technical Director, AFC2ISR.
Deputy Chief of Staff, Installations & Logistics	Assistant Deputy Chief of Staff Installation and Logist.
Civil Engineer	Deputy Civil Engineer.
Services	Director of Services.
Maintenance	Deputy Director of Maintenance.
Plans & Integration	Director of Plans and Integration.
Logistics Readiness	Chief, Combat Support Division.
	Deputy Director of Logistics Readiness.
Resources	Chief, Aircraft/Missile Support Division.
	Deputy Director of Resources.
Communications Operations	Deputy Director of Communications Operations.
AF Center for Environmental Excellence (FOA)	Directors Air Force Center for Environmental Excellence.
Manpower & Organization	Deputy Director for Manpower and Organization.
Programs	Associate Director of Programs and Evaluation.
Strategic Planning	Deputy Director of Strategic Planning.
Deputy Chief of Staff, Personnel	Assistant Deputy Chief of Staff Personnel.
	Dir of Personnel Force Development.
	Deputy Director Personnel Force Management.
	Director, Palace Compass Program Management Office.
	Director, Strategic Plans and Future Systems.
	Deputy Director for Personnel Policy.
Deputy Chief of Staff, Air and Space Operations	Deputy Director of Operational Requirements.
	Director Nuclear Weapons and Counterproliferation Agency.
	Associate Director for Ranges and Airspace.
	Associate Director for Operations.
AF Operational Test & Eval Ctr (DRU)	Scientific Advisor.
Air Force Materiel Command	Executive Director.
	Chief Technology Officer.
Personnel	Director, Personnel.
Contracting	Deputy Director Contracting.
Logistics	Deputy Director for Depot Maintenance.
	Deputy Director for Supply Management.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Deputy Director, Depot Maintenance.
Engineering & Technical Management	Director, Engineering and Technical Mgmt.
Financial Management & Comptroller	Deputy Director, Financial Management and Comptroller.
Communications & Information	Director, Communications and Information.
Plans & Programs	Deputy Director, Plans and Programs.
Requirements	Director, Requirements.
Operations Directorate	Deputy Director of Operations.
Directorate of Civil Engineer	Deputy Command Civil Engineer.
Electronic Systems Center	Executive Director.
	Program Director Strategic and Nuclear Deterrence C2.
	Director, Materiel Systems Group.
	Director, Plans and Programs.
	Program Director, Defense Information Infrastructure Air Force.
	Director, Information Programs Office.
	Director, Contracting.
Standard Systems Center	Director, Standard Systems Center.
Aeronautical Systems Center	Executive Director.
	Director System Management.
	Director, Contracting.
	Director Financial Management and Comptroller.
Directors of Engineering	Director of Engineering F–22
	Director of Engineering Joint Strike Fighter.
	Director of Engineering Propulsion.
Systems Program Offices	Program Director, Air Combat Spo.
	Program Director, Mobility Spo.
Human Systems Center	Deputy Director.
Air Force Research Laboratory	Executive Director, AFRL.
	Director, Plans and Programs.
	Associate Director for Investment Strategy.
	Director, AFRL Washington Office.
Air Vehicles Directorate	Assoc Dir for Air Platforms.
AFRL—Munitions Directorate	Associate Director for Weapons.
Space Vehicles Directorate	Associate Director for Space Technology.
Information Directorate	Director Information.
Directed Energy Directorate	Director Directed Energy.
Materials and Manufacturing Directorate	Director, Materials and Manufacturing.
	Associate Director for Manufacturing Technical and Afford.
Sensors Directorate	Director, Sensors.
Human Effectiveness Directorate	Director, Human Effectiveness Directorate.
Arnold Engineering Development Center	Executive Director.
Air Force Flight Test Center	Executive Director.
Air Logistics Center, Oklahoma City	Director, Commodities Management.
	Executive Director.
	Product Group Manager, Propulsion Systems.
	Director, Logistics Management.
Air Logistics Center, Warner Robins	Director, Technology and Industrial Support.
	Executive Director.
	Director, Logistics Management.
	Director, Maintenance.
	Director, Contracting.
Air Logistics Center, Ogden	Director, Financial Management.
	Executive Director.
	Air Logistics Center, Ogden Director Commodities.
	Director, Logistics Management.
	Director, Contracting.
Air Armament Center	Executive Director.
	Director, Plans and Programs.
AAC—Systems Program Office	Director, Lethal Strike Joint Program Office.
	Program Dir Counterair Joint SPO.
Air Combat Command	Deputy for Maintenance and Logistics.
Air Mobility Command	Principal Deputy Director of Operations for Transport.
	Deputy Director of Logistics.
Air Force Reserve Command	Air Commander 4th Air Force.
	Air Commander 10th Air Force.
	Air Commander 22nd Air Force.
	Assistant Vice Commander.
	Director, Plans.
	Director of Operations.
U.S. Central Command	Scientific Advisor.
	Director of Resources, Requirements, Budget and Assessment.
U.S. Space Command	Director of Programs and Resources.
	Chief Technical Officer and Director of Analysis.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
Space and Missile Systems Center	Director, Systems Acquisition.
	Executive Director.
	Director Contracting.
	Program Director, Milsatcom JPO.
U.S. Strategic Command	Associate Director for Strategic Planning.
	Deputy Director Command Control Communication Computer and Intel System.
U.S. Transportation Command	Director Program Analysis and Financial Mgmt.
Federal Executive Institute—Dev Assignment	Special Assistant for Financial Management Studies.
Department of the Army:	
Department of the Army	Deputy Assistant Secretary of the Army (ARBA).
	Assistant Deputy Chief of Staff for Personnel (Installation Management).
	Deputy Chief of Staff for Resource Management.
	Assistant Deputy Chief of Staff for Logistics (Readiness).
	Director of Modernization.
Office of the Secretary	Interagency Coordinator of Military Support to Civil Authorities.
Office Deputy Under Secretary of Army (OPS Research)	Spec Asst for Air and Missil Defense.
	Special Assistant for Systems.
	Assistant Deputy Under Secretary of the Army for Operations Research.
	Director, Test and Evaluation Management Agency.
	Special Assistant for Systems.
Office Administrative Asst to the Sec of Army	Administrator Assistant to the Secretary of the Army.
	Deputy Administrator Assistant to the Secretary of the Army.
	Director Single Agency Manager for Pentagon Information Technology.
Office of the General Counsel	Deputy General Counsel (Ethics and Fiscal)
Ofc Asst Secretary Army (Civil Works)	Deputy Assistant Secretary for the Army (Management and Budget).
	DAS of the Army (Policy and Legislation).
Ofc Asst Sec Army (Financial Management & Comptroller)	Assistant Deputy Assistant Secretary for Army Budget.
	Deputy for Cost Analysis.
	Director of Investment.
	DAS of the Army (Financial Operations).
	Spec Adv for Economic Pol and Productivity Prog.
	Director for Business Resources.
	Director of Management and Control.
	Director of Business and Investments.
OASA (Installations & Environment)	Dep Prog Mgr for Chem Demilitarization Oper.
	Program Manager for Chemical Demi Operations.
	Deputy Program Manager for Chemical Demilitarization.
Ofc Asst Sec Army (Manpower & Reserve Affairs)	Director of Civilian Personnel Management.
	Deputy Assistant Secretary of the Army (Civilian Personnel Policy).
	Director for Equal Employment Opportunity/Civil Rights.
Ofc Asst Sec Army (Acquisition, Logistics and Technology)	Deputy Assistant Secretary for Research and Technology/Chief Scientist.
	Deputy Asst Secy of the Army (Policy and Procurement).
	Deputy Assistant Secretary of the Army for Plans, Programs and Policy.
	Assistant Deputy Under Secretary (International Affairs) (Security Cooperation).
	Director for Research and Laboratory Management.
	Director for Technology.
	Director for Assessment and Evaluation.
	Director, Procurement Policy and Acquisition Reform.
	Director, Army Contracting Agency.
HQDA Army Acquisition Executive	Deputy Peo, Armored Systems Modernization.
	Deputy Program Executive Officer, Command and Control Systems.
	Deputy Program Executive Officer, Communication Systems.
	Program Executive Officer, Enterprise Information Structure.
	Deputy Program Executive Officer for Aviation.
	Deputy Program Executive Officer, Missile Defense.
	Deputy Program Executive Officer, Tactical Missiles.
	Deputy Program Executive Officer for Fire Supplies System.
	Program Executive Officer, Intelligence, Electronic Warfare and Sensors.
Chief Information Officer/G–6	Dir of Army Information.
	Deputy Chief Information Officer/G–6.
	Director for Enterprise Management.
Army Audit Agency	The Auditor General.
	Deputy Auditor General.
	Director, Logistical and Financial Audits.
	Director, Acquisition and Force Management.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Director, Policy and Operations Management.
Office, Chief of Staff	Director, Facilities, Housing and Environment.
Operations Test & Evaluation Command (OCSA FOA)	Tech Director, Test and Experience Command.
	Director United States Army Evaluation Center.
Army Center of Military History (OCSA FOA)	Chief Historian.
Office, Assistant Chief of Staff for Installation Mgmt	Deputy Assistant Chief of Staff for Installation Management.
	Deputy, Installation Management Agency.
	Deputy, Installation Management Agency.
	Financial Manager.
	Regional Director (Northeast).
	Regional Director (Northwest).
	Regional Director (Southeast).
	Regional Director (Southwest).
	Regional Director (Europe).
	Regional Director (Pacific).
Office, Deputy Chief of Staff, G–4	Associate Director, Force Projection and Distribution.
	Executive Director, Strategic Logistics Agcy.
	Chief Aviation Logistics Office.
	Associate Director of Sustainment.
Office, Deputy Chief of Staff, G–8	Did not find title for this position.
Office, Deputy Chief of Staff, G–3	Technical Advisor to the DCSOPS.
	Director, Army Model and Simulation Office.
	Director, Requirements Directorate.
	Deputy Director of Training.
Office, Deputy Chief of Staff, G–1	Director, United States Army Research Inst and Chief Psychologist.
	Director for Manprint Directorate.
	Chief, Policy and Program Development Division.
	Director of Plans, Resources and Operations.
	Director of Army Personnel Transformation.
Army Research Institute (DCSPER FOA)	Dir, Manp and Pers Res Lab and Assoc Dir, ARI.
U.S. Total Army Personnel Command (DCSPER FOA)	Director, Army Declassification Activity.
National Guard Bureau	Program Executive Officer for Information Systems and Chief Information Officer.
USA Space and Missile Defense Command	Principle Assistant Response for Contracting.
	Director, Advanced Technology Directorate.
	Director, Weapons Directorate.
	Director, Space and Missile Defense Battle Laboratory.
	Director, Integration and Interoperability for Missile Defense.
Training and Doctrine Command (TRADOC)	Assistant Deputy Chief of Staff for Resources Management.
	Assistant Deputy Chief of Staff for Training Policy Plans and Programs.
	Deputy to the Commanding General, CASCOM.
	Assistant Deputy Chief of Staff for Base Operations Support.
	Assistant Deputy Chief of Staff for Combat Development.
	Deputy Chief of Staff for Base Operations Supp.
TRADOC Analysis Center	Director of Operations.
	Director of Operations.
	Director.
U.S. Army Nuclear and Chemical Agency	Director, United States Army Nuclear and Chemical Agency.
Military Traffic Mgmt Command	Special Assistant for Transportation Engineering.
	Deputy to the Commander.
U.S. Army Forces Command	Assistant Deputy Chief of Staff for Personnel and Inst Management.
	Assistant Deputy Chief of Staff for Logistics and Readiness.
U.S Army Signal Command	Technical Director/Chief Engineer.
U.S. Army Corps of Engineers	Director of Real Estate.
	Director of Human Resources.
	Director of Resource Management.
	Principal Assistant Responsible for Contracting.
	Director of Corporate Information.
	Deputy Director Engineer Research and Development Center.
Directorate of Research & Development	Director of Research and Development.
	Asst Dir for Research and Dev (Civil Works Prog).
	Asst Dir Research and Dev (Military Prog).
	Deputy Director.
Directorate of Civil Works	Chief, Programs Management Division.
	Chief, Planning Division.
	Principal Assistant for Civil Works.
	Chief Engineering Division.
	Chf, OPS, Construction and Readiness Division.
	Chief, Policy Review and Analysis Division.
	Chief, Engineering and Construction Division.
	Chief, Operations Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Chief, Planning and Policy Division.
Directorate of Military Programs	Deputy Director, Military Programs.
	Chief, Programs Management Division.
	Chief, Environmental Division.
	Chief, Engineering and Construction Division.
	Chief, Interagency and International Services Division.
	Chief, Installation Support Division.
Directors of Programs Management	Director Programs, Management, MVD.
	Director Programs Management, NAD.
	Director of Programs Management.
	Director Programs Management.
	Director Programs Management, POD.
	Director of Programs Management, SAD.
	Director Program Management, SPD.
	Dir Programs Management, SWD.
Directors of Engineering & Technical Services	Director of Engineering and Technical Services.
	Director of Engineering and Technical Services, NAD.
	Director of Engineering and Technical Services, LRD.
	Director of Engineering and Technical Services, NWD.
	Director of Engineering and Technical Services, POD.
	Dir of Engineering and Technical Services, POD.
	Director of Engineering and Technical Services, SPD.
	Dir of Engineering and Technical Services, SWD.
Engineer Research and Development Center	Director, Geotechnical Laboratory.
	Director Environmental Laboratory.
	Director, Coastal and Hydraulics Laboratory.
	Director, Engineer Research and Development.
	Director, Information Technology Laboratory.
	Director, Geotechnical and Structures Laboratory.
Engineerr Topographic Laboratories, C of Engineers	Director.
Construction Engineering Res Lab Champaign, IL	Director.
Cold Regions Research & Engineering Lab Hanover, NH	Director.
U.S. Army Materiel Command	Deputy Chief of Staff for Corporate Information/Chief Information Officer.
Office of DCS for Logistics & Operations	Assistant Deputy Chief of Staff for Logistics and Operations.
	Director Army Single Stock Fund/Director AMC Logistics Systems and Processes.
Special Analysis Office	Chief, Stategic Analysis and Planning Office.
Office Deputy Commanding General	Principal Deputy for Logistics.
	Principal Deputy for Acquisition.
	Senior Advisor for Science and Technology.
Office of DCS for Research, Dev and Acquisition	ADCS for RDA Science Technology and Engineering.
	ADCS for RDA—Business OPS/Director AMC TOCR Program.
Office of Deputy Chief of Staff for Ammunition	Assistant Deputy Chief of Staff for Ammunition.
Office of DCS for Acquisition	Asst Dep Chief of Staff for Res DAAC and P Mgmt.
Office of Deputy Chief of Staff for Personnel	Dep Chief of Staff for Personnel.
Office of the Deputy Chief of Staff for Res Management	Assistant Deputy Chief of Staff for Resource Management/Executive Director for Business.
	Deputy Chief of Staff for Resource Management.
USA Security Assistance Command	Deputy.
US Army Operations Support Command	Deputy of the Commander.
Natick Soldier Center	Director, Natick Rd and E Center.
U.S. Army Soldier & Biological Command (SBCCOM)	Director, Engineering Directorate.
	Technical Director.
	Deputy to the Commander.
	Director for Operations, Remediation and Restoration.
	Director, United States Army Robert Morris Acquisition Center.
US Army Communications Elect Comd (CECOM)	Director, CECOM Acquisition Center.
	Associate Director, Communications Elect Command Acquisition Center—Washington Operations Office.
	Deputy to the Commander.
CECOM Research, Development & Engineering Center	Dir-Night Vision/Electro Sensors Directorate.
	Director, Space and Terrestrial Committee Directorate.
	Director, I and E Warefare Directorate.
	Director, Software Engineering Directorate.
	Director/Army Systems Engineer.
	Director for C4I Log and Readiness Center.
	Assoc Tech Dir Resech Devel and Engineering Ctr.
	Director, Command, Control and System Integration Directorate.
U.S. Army Research Laboratory	Director United States Army Research Laboratory.
	Associate, Director for Plans, Programs and Budget.
	Deputy Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
Survivability/Lethality Analysis Directorate	Director, Survivability/Lethality Analysis Directorate.
Army Research Office.	Director.
	Dir, Research and Technology Integration.
	Director, Engineering Sciences Directorate.
	Director, Physical Sciences Directorate.
Sensors and Electron Devices Directorate	Deputy Director and Director Electron Devices Research Director.
Computational and Information Sciences Directorate	Director.
	Deputy Director.
Weapons and Material Research Directorate	Deputy Director and Directorate Materials Research Director.
Human Research and Engineering Directorate (ARL)	Director, Human Research and Engineering Directorate.
U.S. Army Aviation and Missile Command (AMCOM)	Executive Director, Acquisition Center.
	Director for Engineering.
	Executive Dir, Integrated Materiel Mgmt Ctr.
	Deputy Executive Director for TMDE.
	Deputy to the Commander.
	Deputy to the Commander.
	Executive Director Acquisition Center.
	Executive Director Integrated Material Management Center.
Missile Res Development & Engineering Center (RDEC)	Dir for Systems Simulation and Development Technology Director for Missiles and Development, Research.
	Development and Engineering Center.
	Associate Director for Systems, Missiles.
	Director for Weapons Sciences.
	Director for Missile Guidance.
	Director for Propulsion and Structures.
Aviation Research, Development and Engineering Center	Techn Dir (Aviation) and ED–US Army ARD and EC
	Director of Aviation Engineering.
	Director of Aeroflight Dynamics.
	Dir of Advanced Syst/Assoc Dir for Technol.
	Associate Director for Tech Appl/Director of Special Program.
Tank-Automotive and Armaments Comd (TACOM)	Director of Acquisition Center.
	Director, Integrated Materiel Mgmt Center.
	Director United States Army Armament and Chemical A and L ACT.
	Deputy to the Commander.
Tank-Automotive Res, D & E Center (TARDEC)	Vice President for Research.
	President/Director.
	Vice President for Customer Engineering.
	Vice President for Product Development.
	Executive Vice President for Technology Transfer/Director, National Automotive Center.
US Army Armament Research, D & E Center (ARDEC)	Technical Director for Armament.
	Asst Technical Director (System Development and Engineering).
	A/Technical Directorate (Systems Concepts and Technology).
Warheads, Energetics and Combat Support Armaments Center	Director, Warheads Energetics and Combat Support Armaments Center.
Fire Support Armaments Centers	Senior Technical Executive for Fire Support.
Close Combat Armaments Center	Senior Technical Executive for Close Combat.
US Army Simulation, Training & Instrumentation Command	Deputy to the Commander.
US Army Test and Evaluation Command, (TECOM)	Tech Director and Chief Scientist.
	Director, Technical Mission.
	Director, Joint Program Office for Test and Evaluation.
US Army Materiel Systems Analysis Activity	Director.
	Chief, Combat Integration Division.
Headquarters, US Army, Europe	Assistant Deputy Chief of Staff, Personnel (Civilian Personnel).
	Assistant Deputy Chief of Staff, Engineer for Engineering and Housing.
	Deputy Chief of Staff for Resource Management.
U.S. Army Military District of Washington	Director of Cemetery Operations.
	Deputy to the Commander for Installation Support.
U.S. Southern Command	Technical Advisor—Sustaining Base/Quality of Life.
Department of the Navy:	
Office of the Secretary	Chief Information Officer.
	Director for Electronic Business and Security.
Office of the Under Secretary of the Navy	Assistant for Administration.
Office of the Auditor General	Did not find title for this position.
	Auditor General of the Navy.
	Deputy Auditor General of the Navy.
	Assistant Auditor General for Installation and Environment Audits.
	Assistant Auditor General for Research, Development & Acquisition Audits.
Ofc of the Asst Secy of Navy (Manpwr & Res Affs)	Dir, Human Resources Operations Center, OCHR
	Director, Office of Civilian Human Resources.
	Assistant General Counsel (Manpower and Reserve Affairs).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Director, HR Policy and Program Dept, OCHR.
	Director, HR Operations and Systems Department.
	Deputy Assistant Secretary of the Navy (Civilian Human Resources).
OAS of Navy (Installations & Environment)	Asst General Counsel (Install and Environment).
OAS of the Navy (Research, Dev & Acquisition)	Director, Navy Acquisition Reform and Standards Improvement.
	Executive Director for Acquisition and Business Management.
	Head, Contract Policy.
	Asst Gen Coun (Res, Dev and Acquisition).
	Director, Acquisition Career Management.
	Executive Director, Navy International Programs Office.
Program Executive Officers/Strategic Systems Programs	Deputy Chief Engineer.
	Deputy Program Executive Officer Surface Strike.
	Deputy PEO for Aircraft Carriers.
	Director, Plans and Programs Division.
	Chief Engineer.
	Asst for Shipboard Systems.
	Branch Head, Reentry Systems Branch.
	Deputy Program Executive Officer for Unmanned Aerial Vehicles.
	Deputy Director, Theater Air Missile Defense and SE/Director of Weapons.
	Technical Plans Officer.
	Head, Res Branch and DE Dir, Plans and Progs Div.
	Assistant for Missile Engineering Systems.
	Deputy PEO for Strike Weapons.
	Deputy Program Executive Officer, Submarines
	Asst for Systems Integration and Compatibility.
	Dep Prog Exec Ofcr for ASW, A/S Mission Prog.
	Dep Prog Exec Ofcr for Tactical Air Programs.
	Deputy PEO, Mine Warfare.
	PEO for Information Technology.
	Aegis Deputy Program Manager.
	Prog Exec Officer ASW Assault and Spec Miss PRO.
	Deputy PEO for Enterprise Solutions.
	Deputy PEO for Information Technology/Tech Dir.
	Deputy Program Mgr., Future Carrier Program Office.
OFC of the Asst Secy of Navy (Fin Mgmt Comptroller)	Assoc Dir, Budget and Reports/Fiscal Manag Div.
	Asst General Counsel (Financial Management).
	Dir, Investment and Dev Div.
	Dir, Financial Mgmt Pol and Systems Division.
	Director, Program/Budget Coordination Division.
	Director, Program /Budget Coordination Division.
	Dir Resource Allocation and Analysis Division.
	Director, Financial Management Division.
	Director, Business and Civilian Resources Division.
Naval Center for Cost Analysis	Dir Naval Center for Cost Analysis.
Office of the Naval Inspector General	Deputy Naval Inspector General.
Office of the General Counsel	Special Counsel for Litigation.
Naval Criminal Investigative Service	Dir Naval Criminal Invest Service.
	Asst Dir of Counterintelligence.
	Special Agent in Charge Norfolk Field Ofc.
	Special Agent in Charge.
	Deputy Director, NCIS.
Chief of Naval Operations	Assistant Deputy Chief of Naval Operations (Logistics).
	Deputy Director of Naval Training.
	Assistant Deputy Chief of Naval Operation (Resources, Warfare Requirements, and Assessments)
	Assistant Deputy Chief of Naval Operations (Manpower and Personnel)
	Assistant Deputy Chief of Naval Operations (Warfare Requirements and Programs)
	Director, Special Programs Division.
	Assistant Director, Space, Information Warfare, Command and Control.
	Assoc Dir Warfare Integration and Assessment Div.
	Deputy Director, Warfare Integration and Assessment Division.
	Deputy Director for Networks Integration and Transformation/Assoc.
	Dir for Navy Inf Officer.
	Head, Readiness, Sustainability and Infrastructure Branch.
	Associate Director, Assessment Division.
	Tech Dir, Submarine and SSBN Security Program.
	Technical Director.
	Deputy Director for Programming.
	Head Force Structure and Analysis Branch.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Assoc Dir, Expeditionary Warfare Division.
	Director, Logistics Planning and Innovation.
	Dir Naval History/Dir, Naval Historical Ctr.
	Deputy Director Envir Protection Safety Occp Heal Div.
	Director Strategic Sealift Division.
Bureau of Naval Personnel	ACNP for MPN Financial Management.
Bureau of Medicine & Surgery	Dep Commander for Fin Mgmt and Comptroller.
Military Sealift Command	Counsel.
	Comptroller.
Military Sealift Command	Executive Director.
Naval Meteorology & Oceanography Comm, Stennis SC, MS	Technical/Deputy Director.
Ofc of Commander, U.S. Atlantic Fleet/Joint Forces Command	Director, Joint Training, Analysis, and Simulation Center.
	Deputy Director Fleet Maintenance.
	Director, Joint Battle Lab.
	Director, Command, Control Communications and Computers Systems.
	Deputy Director, Shore Activities Readiness.
Ofc of the Commander, U.S. Pacific Command	Chief Information Officer.
Office of the Commander, U.S. Pacific Fleet	Deputy Director Fleet Maintenance.
	Deputy Director Shore Installation Management.
	Executive Director, Planning and Resources.
	Executive Director, Total Force Management.
Ofc of the Commander, Naval Education and Training	Comptroller.
Naval Recruiting Command	Deputy Commander.
Naval Air Systems Command Headquarters	Program Director for Enterprise Solutions.
	Executive Dir, Corporate Operations.
	Deputy Commander for Acquisition and Operations.
	Deputy Assistant Commander for Logistics.
	Deputy Asst CDR for Contracts.
	Deputy Comptroller.
	Counsel, Naval Air Systems Command.
	Director, Systems Engineering Department.
	Director, Avionics Department.
	Director, Air Vehicle Department.
	Director, Logistics Management Integration.
	Dir, Tactical Aircraft and Missiles Contracts Dept.
	Director, Support Equip/Aircraft Launch/Recovery Equip.
	Director, Cost Analysis Department.
	Deputy Acquisition Executive.
	Deputy Assistant Commander, Research and Engineering.
	Dir Industrial Operations.
	Director, Warfare Analysis Department.
	Director, Propulsion and Power Department.
Naval Air Systems Command Headquarters	Director, Air Vehicle and Flight Systems Engineering Dept.
	Director, Test and Evaluation Engineering Department.
	Director, Logistics Systems and Analysis Dept.
	Deputy Commander, Naval Air Sys Command.
	Dir, Strike Wpns, UAV, NAVAIR Programs Contracts Dept.
	Dir Budget Formulation Justification Exe Div.
	Deputy Counsel, NAVAIR.
	Deputy Asst CDR for Aviation Depots.
	Dir Naval Aviation Science and Tech Office.
	Asst Commander for Corporate Operations.
	Director, Design Interface Main. Planning and Knowledge Req.
	Dir, Air ASW, Assault and Special Mission Prog Contracts Dept.
	Deputy Director for Navy Test and Eval and Tech Rqmts.
Naval Air Warfare Center Aircraft Division	Dep Asst CDR for Tande/Exec Dir, NAWCAD/Dir, Tande, NAWCAD.
	Director, Perf Based Logistics and Material Mgmt. Dept.
	Director, Avionics Department.
	Dir of Atlantic Ranges and Facilities Dept.
Naval Air Warfare Center Weapons Div, China Lake, CA	Assistant Director, NAVSTO/Research/Technology.
	Head, Pacific Ranges and Facilities Depart.
	Director, Avionics Dept.
	Director, Weapons/Mission Systems Integration Dept.
	Director for Test and Evaluation.
	Director, Weapons and Targets Dept.
	Executive Director, NAWCWD/Director, Research/Engineering.
	Director of Corporate Operations.
	Director, Threat/Target Syst Depart.
Naval Training Systems Center	Executive Director.
	Exec Dir, NAWCTSD/Director, Program Mgmt, NAWCAD.
Space & Naval Warfare Systems Command	Exec Dir, Contract.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Deputy Comptroller.
	Counsel Space and Naval Warfare Systems Com.
	Executive Dir, Space Tech Systems Prog Dir.
	Director, Washington Operations Office.
	Program Director, Intell, Surveillance and Reconnaissance Director.
	Technical Director, SPAWAR.
	Program Director, Communications System Program Directorate.
	Director, Chief Technology Officer.
	Executive Director, C4ISR Installations and Logistics Directorate.
	Program Director, C2I and Combat Support Applications Directorate.
	Deputy Commander.
	Deputy Chief Engineer.
	Director, Strategic/Corporate Planng and Development Office.
	Program Director, Naval Networks and Info Assurance Program Dir.
Space and Naval Warfare Systems Center	Head Intelligence S and R Department.
	Executive Director.
	Head Navigation and Applied Science Dept.
	Head, Command and Control Department.
	Deputy Executive Director, Science, Technology and Engineering.
	Head Communication and Information Sys Dept.
	Dep Executive Dir for Corporate Operations.
Space and Naval Warfare Systems Center, Charleston	Executive Director.
Naval Facilities Engineering Command	Director Navy Crane Center.
	Director, Special Venture Acquisition Programs.
	Counsel Naval Facilities Engineering Command.
	Deputy Comptroller.
	Director for Contracts Support.
	Chief Engineer.
	Dir of Real Estate Support.
	Director for Base Development.
	Dir of Base Closure.
	Director of Environment.
Naval Sea Systems Command	Executive Director.
	Counsel Naval Sea Systems Command.
	Executive Director for Contracts.
	Executive Director/Deputy Comptroller.
	Director, Reactor Materials Divisions.
	Deputy Director, Steam Generator Design/Development.
	Head, Advanced Reactor Branch.
	Director for Hydrodynamics.
	Tech Dir and Dep Div Dir Ship Design Div.
	Dir Cost Engineering and Industrial Analysis.
	Dir, Shipbuilding Contracts Division.
	Assistant Deputy Cdr For Industrial Ops.
	Deputy Commander, Surface Ship Directorate.
	Director, In-Service Submarine Programs.
	Deputy for Weapons Safety.
	Deputy Director, Adv Aircraft Carrier Sys Division.
	Executive Director/Battle Force Systems Eng.
	Director, Corporate Operations.
	Chief Information Officer.
	Executive Director for Logistics, Maintenance and Industrial.
	Operations.
	Dep Prog Mgr/Techn Dir, New Attack Submarines.
	Prog Mgr for Submarine Depot Availability Program Office.
	Dep Prog Manager, Aircraft Carrier Prog Ofc.
	Dir Reactor Plant Components Auxil Equip Div.
	Deputy Director/Advanced Submarine Reactor Sandsf Mgmt.
	Dir Surface Ship Systems Division.
	Director, Reactor Safety and Analysis Division.
	Div for Ship Surv and Structural Integrity.
	Div Power Systems Group.
	Director, Materials Engineering Office.
	Exec Dir, Ship Design and Engrng Directorate.
	Program Manager for Commissioned Submarines.
	Dir, Surface Systems Contracts Division.
	Deputy Peo Expeditionary Warfare.
	Director, Office of Resource Management.
	Dir, Reactor Refueling Division.
	Deputy Counsel, Naval Sea Systems Command.
	Dir Environmental Protection Office.
	Deputy Dir Environmental Health and Safety.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Program Manager, Commercial Ship/Craft Program Office.
	Asst Deputy Commander, Fleet Maintenance Policy and Process Division.
	Asst Deputy Cdr Fleet Logistics Support.
	Director, Fleet Readiness Division.
Norfolk Naval Shipyard	Naval Shipyard Nuclear Engineering and Plan Mgr.
	Nuclear Eng and Planning Manager Budget Naval Ship.
Naval Surface Warfare Center	Technical Director.
Naval Undersea Warfare Center	Technical Director.
Naval Surface Warfare Center, Crane Division	Executive Director.
Naval Undersea Warfare Center Div, Keyport, WA	Executive Director.
Naval Surface Warfare Center, PT. Hueneme Division	Executive Director.
Naval Surface Warfare Center, Indian Head Division	Executive Director.
Coastal Systems Station	Executive Director.
	Head, Coastal Sci, Technology and Analysis Dept.
	Head, Coastal Warfare Systems Department.
Naval Surface Warfare Center, Carderock Division	Executive Director.
	Assoc Dir for Hydromechanics/Head, HD
	Assoc Dir for Syst/P and H Ship S/P Directorate.
	Director for Ship Signatures.
	Assoc Dir for SS and M/HSS and M Directorate.
	Executive Director for Navsses/Director for Machinery Engineering.
Naval Surface Warfare Center, Dahlgren Division	Head, Weapons Systems Department.
	Head, Combat Systems Department.
	Exec Director.
	Deputy Executive Director.
	Head Strategic and Strike Systems Dept.
	Head, Systems Res and Technology Department.
	Head Joint Warfare Applications Dept.
	Head Warfare Analysis and Systems Dept.
Naval Undersea Warfare Center Division, Newport, RI	Head, Submarine Sonar Department.
	Executive Director.
	Head Test and Evaluation Dept.
	Director for Submarine Combat Systems.
	Assoc Techn Dir for Submarine Warfare Systs.
	Director, Surface Undersea Warfare.
	HD, Submarine Electromagnetic Sys Dept.
	Head Combat Control Systems Department.
	Head, Torpedo Systems Department.
Naval Supply Systems Command HDQTRS	Asst Dep Commander for Fin Mgmt/Comptroller.
	Director, Defense Technology Analysis Office Counsel.
	Assistant Deputy Commander for Electronic Business.
	Executive Director Office of Special Projects.
	Assistant Commander for Fleet logistics Ops
	Executive Director
Naval Inventory Control Point	Vice Commander.
Navy Supply Information System Activity	Executive Director.
U.S. Marine Corps Headquarters Office	Deputy Director Facilities and Services Division.
	Assistant Deputy Commandant for Installations and Logistics (Contracts).
	Counsel for the Commandant.
	Deputy Counsel for the Commandant.
	Director of Administration and Resources.
	Asst Dep Chf for Prog and Resource Fiscal Div.
	Asst Dep Chf of Staff for Installations and Log.
	Assistant Deputy Commandant for Manpower and Reserve Affairs.
	Asst Dep Chf of Staff for Requirements and Prog.
Marine Corps Systems Command	Deputy Commander, C4ISR.
	Did not find title for this position.
	Deputy for Financial Management.
Marine Corps Materiel Command Albany GA	Executive Director.
Office of Naval Research	Dir, Ship Structures and Systems Sandt Div.
	Dir, Mechanics and Energy Conversion Sandt Div.
	Director, Expeditionary Warfare Operations Tech Div.
	Director, Physical Sciences Sandt Division.
	Commercial Technology Transition Officer.
	Executive Director/Technical Director.
	Head Special Programs Department.
	Executive Dir for Acquisition Management.
	Dir Financial Management Comptroller.
	Patent Counsel.
	Counsel, Office of Naval Research.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Head Engineering.
	Dir Strike Technology Division.
	Dir Math Computer and Information Science Div.
	Dir OAS S and T Processes and Prediction Division.
	Director of Science and Technology.
	Dir OAS at Sensing and Systems Division.
	Head, Industrial and Corporate Programs Department.
	Dir Cognitive Neural Biomolecular Sandt Div.
	Head, Human Systems S and T Department.
	Dir, Biomolecular and Biosyst Sci and Tech Div.
	Head Info Electronics and Surveil Sci Tech Dept.
	Dir of Surveillance Communications Electronic.
	Director, Electronics Division.
	Head Ocean Atmosphere Space Sci Tech Dept.
	Associate Technical Director.
	Director, Naval Fleet/Force Tech Innovation Office.
	Dir Materials Sci and Technology Division.
	Assoc for Integration Oas St Sensing Sys Div
Naval Research Laboratory	Chf Sci Lab for Structure of Matter.
	Dir of Research.
	Assoc Dir of Res for Matl Sci and Comp Technol.
	Superintendent, Chemistry Division.
	Superintendent, Optical Sciences Div.
	Superintendent Space Science Div.
	Supt, Radar Div.
	Supt Materials Sci and Tech Division.
	Supt, Acoustics Div.
	Superintendent, Plasma Physics Div.
	Superintendent Electronics Technology Div.
	Supintendent, Info Technol Div.
	Supt, Tactical Electronic Warfare Div.
	Chief Scientist Lab for Compt Phy Fluid Dynam.
	Superintendent, Remote Sensing Division.
	Assoc Dir of Res for Business Operations.
	Chief Sci and Head, Beam Physics Program.
	Superintendent, Marine Meteorology Division.
	Mgr, Joint Space Systems Technology Programs.
	Assoc Dir Res for Ocean and Atmospheric Sci Tec.
	Superintendent Ctr Bio/Molecular Science Eng.
	Head Elect Warfare Strategic Planning Org.
	Assoc Dir of Res for Warfare Sys and Senors Res.
	Superintendent, Space Syst Development Dep.
	Superintendent, Oceanography Division.
	Superintendent, Spacecraft Engineering Dep.
	Dir, Naval Center for Space Technology.
	Superintendent, Marine Geosciences Division.
Defense Nuclear Facilities Safety Board:	
Defense Nuclear Facilities Safety Board	Deputy General Counsel.
	Deputy General Manager.
	Group Lead for Nuclear Facility Design and Infrastructure.
	Technical Advisor for Engineering Studies.
	Group Lead for Nuclear Programs and Analysis.
	Group Lead for Nuclear Weapons Program.
	Group Lead for Nuclear Materials Processing and Stabilization.
	Group Lead for Nuclear Facility Design and Infrastructure.
Department of Education:	
Office of the Chief Financial Officer	Deputy Chief Financial Officer.
	Dir Financial Management Operations.
	Director, Financial Improvement and Post Audit Operations.
Office of the Chief Information Officer	Deputy Chief Information Officer.
	Chief Information Officer.
	Dep Chief Info Officer (Operations Engineering).
	Dep Chief Information Officer for Info Management.
	Deputy CIO for Information Assurances.
	Deputy CIO for Information Assurances.
Office of Management	Chairperson Education Appeal Board.
	Dir Human Resources Group.
	Director, Human Resources Services.
Office of Inspector General	Counsel to the Inspector General.
	Deputy Inspector General.
	Deputy Assistant IG for Audit Services.
	Assistant Inspector General for Audit Services.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Assistant IG for Investigative Services.
Office of the General Counsel	Asst Gen Coun for Busin and Adm Law.
	Asst General Counsel for Educational Equity.
	Asst Gen Counsel for Regulations.
	Asst Gen Coun for Div of Legislative Counsel.
	Asst Gen Coun for Postsecondary Ed and Ed Res.
National Center for Education Statistics	Associate Commr for Data Collection and Dissemination.
	Deputy Commissioner.
	Associate Commissioner for Assessment.
Federal Student Aid	Chief Financial Officer.
	Director, Collections.
	Director, Student Aid Awareness.
	Deputy Chief Financial Officer.
Department of Energy:	
National Nuclear Security Administration	Chief of Defense Nuclear Counterintelligence.
Deputy Administrator for Defense Programs	Assoc Das for Program A and F Management.
	Assoc Das for Program A and F Management.
Deputy Administrator for Naval Reactors	Dir Advanced Submarine Systems Division.
	Asst Program Manager for Surface Ships.
	Deputy Director for Naval Reactors.
	Senior Naval Reactors Rep (Pearl Harbor).
	Dir Reactor Engineering Division.
	Deputy Directorector Reactor Materials Division.
	Director, Fiscal Division.
	Program Manager for Shipyard Matters.
	Dir Nuclear Components Division.
	Senior Naval Reactors Representative.
	Program Manager Submarie Technology Develop.
	Director for Submarine Refuelings.
	Senior Naval Reactors Representative.
	Dep Program MGR for Commissioned Subs.
	Prog MGR Prototype and Moored Training Ship OPS/Inactivation Programs.
	Dir Regulatory Affairs.
	Director, Instrumentation and Control Division.
	Chief Information Officer.
	Senior Technical Director, Regulatory Affairs.
	Senior Naval Reactors Representative.
Schenectady Naval Reactors	Nuclear Engineer.
Pittsburgh Naval Reactors	Asst Manager for Operations.
Albuquerque Operations Office	Director, Weapons Surety Division.
	Chief Financial Officer.
	Deputy Manager for Business and Administration.
Nevada Operations Office	Asst Manager for Business and Financial Service.
Oakland Operations Office	Assistant Mgr. for Business and Financial Services.
National Nuclear Security Administration Field Site Offices	Chief Counsel.
	Manager, Savannah River Site Office.
	Manager, Sandia Site Office.
	Manager, Livermore Site Office.
	Manager, Nevada Site Office.
National Nuclear Security Administration Service Center	Director, Office of Field Financial Management.
Office of Counterintelligence	Deputy Director.
Office of Security	Dir Ofc of Classification and Technology.
	Deputy Director, Ofc of Security Affairs.
	Director, Office of Security Affairs.
Office of Independent Oversight and Performance Assurance	Director, Office of Safeguards and Security Evaluations.
Office of Safeguards and Security Evaluations	Director, Office of Independent Oversight and Performance Assurance.
	Deputy Director, Office of Independent Oversight and Performance.
Office of Economic Impact and Diversity	Dir of Sm and Disadv Bus Utilz.
Assistant Secretary for Energy Efficiency and Renewable Energy	Manager, Golden Field Office.
Assistant Secretary for Environment, Safety and Health	Dir Office of Price-Anderson Enforcement.
	Dir Ofc of Nuclear Safety, Policy and Standards.
	Dir Office of Regulatory Liaison.
Energy Information Administration	Dir, Ofc of Oil and Gas.
	Dir Ofc of Coal Nucl Elec and Altern Fuels.
	Director, Ofc of Energy Markets and End Use.
	Director Economics and Statistics Division.
	Director, Statistical and Methods Group.
	Director, Natural Gas Division.
	Director, Petroleum Division.
	Dir, Ofc of Integration Nal and Forecasting.
	Director, Coal 7 Electrical Power Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Director, Electrical Power Division. Director, International Economic and Greenhouse Gases Division. Dir Survey Mgmt Div. Director, Information Technology Group.
Office of Environmental Management	Director, Office of Budget. Science Advisor.
Office of Science	Dir Chem Sci Div. Dir Adv Egy Proj Div. Chf Processes and Tech Br. Dir High En Physics Div. Director, Human Health and Assessment Div. Deputy Dir for Management. Associate Dir, Office of Resource Mgmt. Dir, Health Effects and Life Sci Research Div. Deputy Dir for Nuclear Safety Safeguard. Dir, Office of Assessment and Support. Assoc Dir Ofc of Computational and Tech Researc. Director, Financial Management Division.
Office of Fossil Energy	Director, Materials Partnerships Research Center.
Office of Field Management	Deputy Manager, DOE Field Office, CH.
Albuquerque Operations Office	Dir Transportation Safeguards Div. Dir, Weapons Programs Div. Asst Manager for Management and Administration. Carlsbad Area Office Manager.
Chicago Operations Office	Acquisition and Asst Group Manager. Area Manager, FERMI. Asst Mgr for Laboratory Management.
Idaho Operations Office	Assistant Manager for Administration. Manager, Idaho Branch Office. Asst Mgr Ofc of Program Execution. Asst Manager for Applied E and T Transfer.
Ohio Field Office	Manager Ohio Field Ofc. Deputy Manager, Ohio Field Office. Director, Fernald Environmental Management Projects.
Oakland Operations Office	Assoc Manager for Site Management.
Oak Ridge Operations Office	Asst Manager for Administration. Chief Financial Officer.
Rocky Flats Office	Dep Asst Mgr for Matl Stabilization and Disp. Manager, Rocky Flats Field Office. Assistant Manager for Administration and Transition.
Savannah River Operations Office	Asst Manager, Business and Logistics.
Office of Hearings and Appeals	Deputy Director for Legal Analysis. Deputy Director for Financial Analysis. Deputy Director for Econ Analysis.
Office of Inspector General	Asst Inspector General for Investigations. Manager, Western Regional Audit Office. Director, Audit Policy, Plans and Programs. Manager, Eastern Regional Audit Office. Dir Capitol Regional Audit Office. Deputy Asst Inspector Gen for NNSA and Other Dep'l Investigations. Spec Asst for Policy and Planning. Counsel to the Inspector General. Dir, Office of Contractor Employee Protection. Asst Inspector General for Resource Mgmt. Principal Deputy Inspector General. Assistant Inspector General for Audits. Deputy Inspector General for Inspections. Deputy Inspector General for Audits. Director for Financial Audits. Director for Performance Audits and Administration. Assistant Inspector General for Audit Services. Manager, Capital Regional Audit Office. Assistant Inspector General for Inspections. Principal Deputy Inspector General. Deputy Inspector General for Audit Services. Director of NNSA Audits. Deputy Assistant Inspector General for Audit Services. Director for Planning and Administration. Director, Science, Energy, Technology and Financial Audits Division. Director, NNSA Audits Division. Director, Environmental Audits Division.
Office of Nuclear Energy, Science and Technology	Dir Instrumentation and Control Div.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Director Nuclear Technology Div.
	Head, Core Manufacturing Branch.
	Assoc Dir, Isotope Production and Distribution.
	Prog Mgr for Analysis and Regulatory Matters.
	Director Acquisition Division.
Office of Management, Budget and Evaluation	Dir HQ Personnel Operations Div.
	Director, Office of Administration.
	Dir Ofc of Budget.
	Deputy Director Ofc of Budget.
	Director, Budget Analysis Division.
	Director, Capital Accounting Center.
	Director, Budget Operations Division.
	Dir Ofc of Dep Accounting and Fin Sys Dev.
	Dir Ofc of Financial Policy.
	Dir Ofc Compliance and Audit Liaison.
	Deputy Controller.
	Controller.
	Deputy Director of Administrative Services (WASH, DC).
	Deputy Director of Personnel.
	Director, Office of Procurement and Assistance Policy.
	Dir Ofc of Mgmt Sys (Competition Advocate).
	Director Ofc Contract and Resource Management.
	Executive Assistant to the Director.
	Dir, Headquarters and Executive Personnel Serv.
	Chief Information Officer/Director of Information Management.
	Deputy Director, Office of Management, Budget and Evaluation/DCFO.
Western Area Power Administration	Chief Program Support Center.
	Chief Financial Officer.
Environmental Protection Agency:	
Environmental Protection Agency	Assistant Inspector General for Mission Systems.
Office of Executive Support	Director, Office of Executive Support.
Office of the Chief Financial Officer	Deputy Chief Financial Officer.
Office of the Comptroller	Director, Financial Management Division.
	Comptroller.
	Deputy Comptroller.
	Director, Annual Planning and Budget Division.
	Director, Financial Services Division.
Office of Planning, Analysis and Accountability	Director, Office of Planning Analy and Account.
	Deputy Director, Office of Planning, Analysis and Accountability.
Office of Environmental Information	Deputy Director, Office of Information Analysis and Access.
	Deputy Director, Ofc of Technical Operations and Planning.
	Director, Office of Technical Operations and Planning.
	Director, Office of Planning, Resources and Outreach.
	Director, National Technology Services Division.
	Chief Technology Officer.
Office of the Assistant Administrator for Administration and Resources Management.	Director, Ofc of Pol and Resource Mgmt.
	Deputy Assistant Administrator for Admin and Res Mgmt.
Office of Administration	Dir Ofc of Administration.
	Deputy Dir Ofc of Administration.
	Dir, Facilities Management and Services Div.
	Dir, Sfty, Health and Environmental Mgmt Div.
	Senior Advisor to the Director, Office of Administration.
Office of Administration and Resources Management—Cincinnati Ohio.	Dir Ofc of Admin and Resources Management.
Office of Administration and Resources Management—Research Triangle Park, North Carolina.	Director Office of Administration and Res Mgmt Senior Advisor.
Office of Human Resources and Organizational Services	Dir Office of Human Resources and Org Services.
	Deputy Director Ofc of Human Resources and Org Services.
	Assoc Director for Reengineering and Automation.
	Dir Exec Resources and Special Programs Staff.
Office of Acquisition Management	Dir, Superfund/RCRA Regl Procurement Ops/Div.
	Director, Office of Acquisition Management.
	Deputy Director, Office of Acquisition Management.
Office of Grants and Debarment	Dir, Grants Admin Div.
	Director, Office of Grants and Debarment.
Office of the Assistant Administrator for Enforcement and Compliance Assurance.	Director, Ofc of Environmental Justice.
Office of Federal Activities	Dir, International Enforcement Program Div.
Office of Regulatory Enforcement	Director, Office of Regulatory Enforcement.
	Deputy Director, Office of Regulatory Enforcement.
	Dir Air Enforcement Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
Office of Criminal Enforcement, Forensics and Training	Dir Natl Enforcement Training Institute.
	Dir Ofc of Criminal Enforce Forensics Train.
	Director, Criminal Investigations Division.
	Deputy Director, Office of Criminal Enforcement, Forensics Training.
Office of Compliance	Director, Office of Compliance.
	Dir, Enforcement Plng, Targeting and Date Div.
	Dir, Manufacturing, E and T Division.
	Deputy Director, Office of Compliance.
	Dir, Import-Export Program.
Office of Site Remediation Enforcement	Director, Ofc of Site Remediation Enforcement.
	Deputy Director, Ofc of Site Remediation Enforcement.
Federal Facilities Enforcement Office	Dir Federal Facilities Enforcement Office.
Office of the Inspector General	Counsel to the Inspector General.
	Assistant Inspector General for program Evaluation.
	Assistant Inspector General for Human Capital.
	Senior Science Advisor.
Office of Investigations	Assist Inspector Gen for Investigations.
	Dep Asst Inspector General for Investigations.
Office of Audit	Asst Inspector General for Audits.
	Dep Asst Inspector General for External Audits.
	Dep Asst Inspector General for Internal Audit.
Office of Management	Assistant Inspector General for Management.
Office of Planning, Analysis and Results	Assistant Inspector General for Planning, Analysis and Results.
Office of Wasterwater	Director, Municipal Support Division.
	Deputy Director, Municipal Support Division.
	Director, Water Permits Division.
Office of Science and Technology	Dir, Standards and Applied Science Division.
	Dir, Health and Ecological Criteria Division.
	Director, Engineering and Analysis Division.
Office of Wetlands, Oceans and Watersheds	Dir, Assessment and Watershed Protection Div.
	Dir, Oceans and Coastal Protection Division.
	Dir, Wetlands Division.
Office of Ground Water and Drinking Water	Dir, E and P Implementation Division.
	Director, Standards and Risk Management Division.
	Dir Implementation and Assistance.
Office of the Assistant Administrator for Solid Waste and Emergency Response.	Director, Outreach and Special Projects Staff.
	Director, Federal Facilities Restoration and Reuse Office.
	Senior Advisor.
Office of Solid Waste	Dir Hazardous Waste Identification Division.
	Director, Hazardous Waste Minimization and Management Division.
	Director, Economics, Methods and Risk Analysis Division.
Office of the Assistant Administrator for Air and Radiation	Senior Advisor.
	Senior Advisor.
Office of Air Quality Planning and Standard	Dir, Emission Standards Division.
	Dir Air Quality Strategies and Standards Div.
	Dir Emissions Monitoring and Analysis Division.
	Director, Info. Transfer and Program Integration Division.
Office of Transportation and Air Quality	Director, Advanced Technology Division.
	Director, Transportation and Regional Programs Division.
	Director, Assessment and Standards Division.
	Director, Certification and Compliance Division.
Office of Radiation and Indoor Air	Director, Indoor Environments Division.
	Deputy Director, Office of Radiation and Indoor Air.
	Director, Radiation Protection Division.
Office of Atmospheric Programs	Director, Clean Air Markets Division.
	Director, Atmospheric Pollution Prevention Division.
Office of the Assistant Administrator for Prevention Pesticides and Toxics Substances.	Associate Assistant Administrator (Mgmt.).
Office of Pesticide Programs	Director, Registration Division.
	Dir, Biological and Economic Analysis Division.
	Dir, Spec Review and Reregistration Division.
	Dir Envir Fate and Effects Division.
	Dir Antimicrobials Division.
	Dir Field and External Affairs Division.
	Dir Inf Resources and Services Division.
	Director, Biopesticides and Pollution Prevention Division.
	Deputy Director Office of Pesticides Programs (Mgmt.).
Office of Pollution Prevention and Toxics	Dir, Economics Exposure and Technology Div.
	Director, Chemical Control Division.
	Director, Information Management Division.
	Dir, Pollution Prevention Div.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Director, Chemicals Division.
	Dir Health Effects Division.
	Director, Risk Assessment Division.
Office of Science Coordination and Policy	Director, Office of Science Coordination and Policy.
Office of Resources Management and Administration	Dir, Ofc of Resources Mgmt and Admin.
Office of Science Policy	Director, Office of Science Policy.
National Health and Environmental Effects Research	Dir Natl Health and Envir Effects Res Lab (RTP).
Laboratory (Research Triangle Park)	Assoc Dir for Health (NHEERL)–RTP.
	Deputy Director for Management (NHEERL)—RTP.
Atlantic Ecology Division—Narragansett	Director, Atlantic Ecology Division.
Western Ecology division—Corvallis	Dir Western Ecology Division Corvallis.
Gulf Ecology Division—Gulf Breeze	Director, Gulf Ecology Division.
Mid-Continent Ecology Division	Director, Mid-Continent Ecology Division.
Experimental Toxicology Division.	Director, Experimental Toxicology Division.
National Exposure Research Laboratory (Research Triangle Park)	Dir, Natl Exposure Research Laboratory—RTP.
	Deputy Director for Management (NERL)—RTP.
	Assoc Dir for Ecology (NERL)—RTP.
Environmental Sciences Division—Las Vegas	Dir Environmental Sciences Division.
Ecosystlems Research Division—Athens	Dir Ecosystems Res Div Athens.
Human Exposure and Atmospheric Science Division	Director, Human Exposure and Atmospheric Science Division.
National Risk Management Research Laboratory (Cincinnati)	Dir, Natl Risk Mgmt Research Laboratory—CN.
	Deputy Director for Management (NRMRL)—CN.
	Assoc Dir for Health (NRMRL)—CN.
	Director, Water Supply and Water Resources Division.
Air Pollution Prevention and Control Division—Research Triangle Park.	Dir Air Pollution Prevention and Control Div.
Subsurface Processes and Systems Division—ADA	Dir Sub-Surface Process and Systems Division.
National Center for Environmental Assessment	Dir Natl Ctr for Environmental Assessment.
	Assoc Dir for Health (NCEA).
	Assoc Dir for Ecology (NCEA).
	Deputy Director for Management.
National Center for Environmental Assessment—Research Triangle Park.	Dir Natl Ctr Environ Assessment.
National Center for Environmental Assessment—Cincinnati	Dir Natl Ctr for Environmental Assessment.
National Center for Environmental Research and Quality Assurance.	Deputy Dir for Mgmt (NCERQA).
	Dir Environmental Engineer Research Division.
	Dir Natl Ctr for Env Res and Quality Assurance.
Region I—Boston	Regional Counsel.
	Dir Ofc of Ecosystem Protection.
	Dir Ofc of Site Remediation Restoration.
	Dir, Ofc of Administration and Resources Mgmt.
	Dir, Ofc of Strategic Alignment.
	Director, Office of Environmental Stewardship.
Region II—New York	Asst Regl Admr for Policy and Management.
	Regional Counsel.
	Dir, Office of Emergency and Remedial Response.
	Director, Environmental Planning and Protection Division.
	Dir, Div of Enforcement and Compliance Asst.
	Director, Environmental Science and Assessment Division.
	Director, Caribbean Environmental Protection Division.
Region III—Philadelphia	Director, Water Protection Division.
	Regional Counsel.
	Director, Environmental Services Division.
	Asst Reg Admin for Policy and Management.
	Dir Chesapeake Bay Program Office.
	Director, Air Protection Division.
	Director, Hazardous Site Cleanup Division.
	Director, Waste and Chemical Management Division.
Region IV—Atlanta	Dir Water Management Division.
	Asst Regional Admin for Policy and Mgmt.
	Regional Counsel.
	Director Waste Management Division.
	Director, Science and Ecosystem Support Div.
	Director, Air, Pesticides and Toxics Management Division.
Region V—Chicago	Director, Air and Radiation Division.
	Director Water Management Division.
	Regional Counsel.
	Dir Waste Pesticides and Toxics Division.
	Dir Great Lakes Prog Ofc.
	Director Superfund Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Asst Reg Admr for Resources Management.
Region VI—Dallas	Asst Regional Admr for Management.
	Regional Counsel.
	Director, Compliance A and E Division.
	Dir Superfund Division.
	Dir Water Quality Protection Division.
	Dir Multimedia Plann and Permitting.
Region VII—Kansas City	Regional Counsel.
	Asst Regional Admin for Policy and Management.
	Dir Superfund Division.
	Dir Air RCRA and Toxics Division.
	Dir Water Wetlands and Pesticides Division.
	Dir Environmental Services Division.
Region VIII—Denver	Assistant Regional Administrator for Ecosystems Protection and Remediation.
	Assistant Regional Administrator for Pollution Prevention, State and Tribal Programs.
	Assistant Regional Administrator for Technical and Management Services.
	Regional Counsel.
Region IX—San Francisco	Director, Water Management Division.
	Director, Air Division.
	Regional Counsel.
	Asst Regional Admr for Policy and Management.
	Dir, Strategic Planning and Emerging Issues.
	Dir Superfund Division.
	Director, Cross Media Division.
Region X—Seattle	Regional Counsel.
	Assistant Regional Administrator for Management Programs.
	Asst Reg Admr for Water.
	Director, Office of Ecosystems and Communities.
	Director, Office of Environmental Cleanup.
Equal Employment Opportunity Commission:	
Office of the Inspector General	Inspector General.
Office of Field Programs	District Director (Baltimore).
	Dist Dir (New York).
	Dist Dir (Atlanta).
	Dist Dir (Houston).
	District Director (Detroit).
	Dist Dir (San Francisco).
	Dist Dir (Dallas).
	Dist Dir (Chicago).
	Dist Dir (St Louis).
	Dist Dir (Miami).
	Dist Dir (Indianapolis).
	Dist Dir (Memphis).
	District Director (Los Angeles).
	Dist Dir (Denver).
	Dist Dir (Birmingham).
	Dist Dir (New Orleans).
	Dist Dir (Phoenix).
	Dist Dir (San Antonio).
	Dist Dir (Charlotte).
	District Director (Seattle).
	District Director (Cleveland).
	Dist Dir (Philadelphia).
	District Director (Milwaukee).
	Program Manager.
Field Management Programs	Director Field Management Programs.
Field Coordination Programs	Director, Field Coordination Programs.
Federal Communications Commission:	
Office of Inspector General	Inspector General.
Office of Engineering and Technology	Assistant Bureau Chief for Technology.
Common Carrier Bureau	Chief Accounting Safeguards Division.
Mass Media Bureau	Chief Audio Services Division.
	Chief Video Services Division.
Federal Emergency Management Agency:	
Office of Inspector General	Deputy Inspector General.
	Asst Inspector General for Auditing.
	Asst Inspector General for Investigations.
Financial and Acquisition Management Division	Deputy Chief Financial Officer.
	Senior Procurement Executive.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Chief Financial Officer.
	Deputy Chief Financial Officer.
	Senior Procurement Executive.
Federal Insurance and Mitigation Administration	Deputy Administrator for Insurance.
	Deputy Administrator for Mitigation.
Hazard Mapping Division	Division Director.
Mitigation Planning and Delivery Division	Division Director.
Readiness, Response and Recovery Directorate	Div Dir, Infrastructure Support Division.
Planning & Readiness Division	Division Director.
Recovery Division	Division Director.
External Affairs Directorate	Deputy Administrator.
Federal Energy Regulatory Commission (DOE):	
Office of Energy Projects	Dir Div of DAM Safety and Inspections.
Office of the Executive Director	Director, Regulatory Accounting Policy.
	Deputy Executive Director and Chief Accountant.
Federal Labor Relations Authority:	
Office of the Chairman	Solicitor.
	Chief Counsel.
Office of Member	Chief Counsel.
Office of Member	Chief Counsel.
Federal Service Impasses Panel	Exec Director FSIP.
Office of the Executive Director	Executive Director.
Office of the General Counsel	Deputy General Counsel.
	Director of Operations and Resources Management.
Regional Offices	Regional Director—Washington, D.C.
	Regional Director—Boston.
	Regional Director—Atlanta.
	Regional Director—Dallas.
	Regional Director, Chicago, Illinois.
	Regional Director, San Francisco.
	Regional Director, Denver.
Federal Maritime Commission:	
Office of the Secretary	Secretary.
Office of the General Counsel	Dep Gen Cnsl for Reports Opinions and Decisions.
Office of the Executive Director	Deputy Executive Director.
Bureau of Consumer Complaints and Licensing	Director, Bureau of Consumer Complaints and Licensing.
Bureau of Trade Analysis	Director, Bureau of Trade Analysis.
Bureau of Enforcement	Deputy Director Bureau of Enforcement.
	Dir Bureau of Enforcement.
Federal Retirement Thrift Investment Board	Director of Investments.
	Director of Contracts and Administration.
	Director of Automated Systems.
	Director of Accounting.
	Director of Communications.
	Associate General Counsel.
	Deputy Director of External Affairs.
	Deputy Director of Benefits and Investments.
	Director of the Office of Benefits and Investments.
Federal Trade Commission:	
Office of the Inspector General	Inspector General.
Office of the General Counsel	Deputy General Counsel.
Ofc of Executive Director	Deputy Exec Dir for Management.
	Chief Information Officer.
	Deputy Executive Director.
Bureau of Consumer Protection	Associate Director for International Division of Consumer Protection
General Services Administration:	
Office of the Chief People Officer	Chief People Officer.
	Dir of Management Services.
	Chief Information Officer.
	Director of Human Resources.
	Deputy Chief Information Officer.
	Deputy Chief Information Officer.
Office of Governmentwide Policy	Deputy Associate Admin for Acquisition Policy.
	Deputy Assoc Administrator for Real Property.
	Director of Intergovernmental Solutions.
	Deputy Associate Administrator for Transportation and Personal Property.
Office of Inspector General	Asst Inspector Gen for Auditing.
	Deputy Inspector General.
	Deputy Asst Inspector General for Auditing.
	Counsel to the Inspector General.
	Asst Inspector Gen for Investigations.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Dep Asst Inspector General for Investigations.
Office of the Chief Financial Officer	Director of Finance.
	Director of Budget.
	Chief Financial Officer.
	Dir of Financial Management Systems.
Public Building Service	Assistant Commr for Fed Protective Service.
	Asst Comm for Portfolio Management.
	Assistant Commr for Property Disposal.
	Asst Commissioner for Financial and Info System.
	Assistant Commissioner for Business Performance.
	Chief Financial Officer.
	Asst Comm for Real Estate Policy/Sales (FPRS)
Federal Technology Service	Assistant Commissioner for Serv Development.
	Assistant Commissioner for Service Delivery.
	Asst Commr for Info Technology Integration.
	Assistant Commissioner for Regional Services.
	Asst Commissioner for Acquisition.
	Assistant Commissioner for Information Security.
	Assistant Commissioner for Sales.
	Deputy Assistant Commissioner for Information Technology Integration, FTS.
	Program Executive for E-Authentication.
Office of the Chief Information Officer	Director of Infrastructure Operations.
	Director, E-Gov Program Management Office.
Federal Supply Service	Asst Commissioner for Commercial Acquisition.
	Asst Comr for Transportation and Property Mgt.
	Asst Comm for Bus Management and Marketing.
	Dep Asst Commissioner for Acquisition.
	FSS Chief Information Officer.
	Asst Comm for Vehicle Acquisition and Leasing Svc.
	Assistant Commissioner for Supply.
	Assistant Commissioner for Enterprise Planning.
New England Region	Asst Reg Admr for Public Bldg Service.
Northeast and Caribbean Region	Asst Reg Admr for Public Blds Service.
	Asst Reg Admr for Federal Supply Service.
Mid-Atlantic Region	Asst Reg Admr for Public Blds Service.
	Asst Regl Admr Federal Supply Service.
	Regional Counsel.
National Capital Region	Assistant Regional Administrator, PBS, NCR.
	Project Management Executive.
Southeast Sunbelt Region	Asst Reg Admr Public Blds Service.
	Assistant Reg Admin for Fed Tech Service.
	Asst Reg Admr for Federal Supply and Services.
	Deputy Assistant Regional Administrator for Real Estate Design, Construction and Development.
Great Lakes Region	Asst Reg Admr for Public Blds Service.
The Heartland Region	Asst Reg Admr for Public Blds Service.
	Asst Reg Admr for Federal Technology Service, R–6.
Greater Southwest Region	Asst Reg Admr for Public Blds Service.
	Asst Regional Admin for Federal Tech Service.
	Asst Reg Admr for Federal Supply Service.
Rocky Mountain Region	Asst Reg Admr for Pubic Blds Service.
Pacific Rim Region	Asst Regl Admr for Public Buildings Services.
	Asst Reg Admr for Federal Supply Service.
	Senior Advisor.
Northwest/Arctic Region	Asst Regional Administrator, PBS Region 10.
Department of Health and Human Services:	
Office of the Deputy Assistant Secretary for Budget	Dir Div of Integrity and Organ Review.
Office of the Deputy Assistant Secretary for Finance	Deputy Assistant Secretary, Finance.
	Dir, Office of Financial Policy.
Office of the Deputy Assistant Secretary for Grants	Deputy Assistant Secretary, OGAM.
Office of the Assistant Secretary for Planning and Evaluation	Dep Asst Inspector General for Audit.
	Dep to Deputy Asst Secry for Plann and Evaluat.
Office of the Assistant Secretary for Public Health and Science	Dir Div of Research Investigations.
	Dir Ofc of HIV/AIDS Policy.
	Deputy Director Ofc of Management.
	Reg Health Administrator.
	Director, Office of Research Integrity.
Associate General Counsel Divisions	Assoc Gen Coun, Business and Adm Law Division.
	Dep Assoc Gen Counl, Bus and Admn Law Div.
Office of the Inspector General	Principal Dep Inspector General.
	Deputy Inspector General for Mgmt and Policy.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Deputy Inspector General for Mgmt and Policy.
	Deputy Inspector General for Mgmt and Policy.
	Deputy Inspector General for Legal Affairs.
Office of the Deputy Inspector General for Investigations	Dep Insp Gen for Investigations.
	Asst Insp General for Criminal Investigations.
	Asst Insp Gen for Civil and Adm Remedies.
	Asst Insp Gen for Investigation P and O.
	Dep Insp General for Enforcement and Compliance.
Office of the Deputy Inspector General for Audit Services	Dep Inspector General for Audit Services.
	Asst Insp Gen for Adm of C/F and Agin Audits.
	Asst Inspector Gen for Health Care Fin Audits.
	Asst Inspector Gen for Audit Pol and Oversight.
	Asst Insp Gen for Public Health Serv Audits.
	Dig for Investigations.
	Assist if for Aud Mgmt Pol.
Office of the Deputy Inspector General for Evaluation and Inspections.	Dep Insp Gen for Evaluation and Inspections.
Program Support Center	Dir Program Support Center.
	Deputy Director of Operations.
	Deputy Asst. Sec. Program Support Center.
Office of Financial Management Service	Director, Financial Management Service.
Office of Program Support	Dir Ofc of Financial Management.
Centers for Medicare and Medicaid Services	Deputy Director (Technology).
Office of the Actuary	Dir, Ofc of the Actuary (Chief Actuary).
	Director, Ofc of Medicare and Medicaid Cost Est.
Center for Beneficiary Choices	Deputy Director, Center for Beneficiary Services (Medicare Contractor, Mgtmt).
	Associate Deputy Director, CBS (Contract Management).
Office of Internal Customer Support	Director, Ofc of Internal Customer Support.
Office of Information Services	Director, Office of Information Services (Chief Information Officer).
	Deputy Director Ofc of Info Services.
Office of Financial Management	Deputy Director, Ofc of Financial Management.
	Dir Ofc of Financing Management.
	Deputy Director Ofc Financial Management.
	Dir Program Integrity Group.
	Dir Financial Services Group.
	Deputy Director, CFO Audit Internal Controls.
Office of the Administrator	Assoc Admin for Policy and Prog Coordinator.
Center for Substance Abuse Prevention	Dir, Div of State and Community Systems Dev.
Center for Mental Health Services	Director Center for Mental Health Services.
	Dir Div of State and Community Systems Develop.
Centers for Disease Control and Prevention	Director, Financial Management Office.
	Director, Office of Facilities Planning and Management.
	Deputy Director for Finance and Accounting.
	Director, Division of Adult and Community Health.
National Institute for Occupational Safety and Health	Deputy Director for Management.
National Center for Chronic Disease Prevention and Health Promotion.	Director, Office of Smoking and Health.
National Center for HIVN STD and TB Prevention	Associate Director for Management and Operations.
Office of Chief Counsel	Deputy Chief Counsel for Program Review.
	Associate Deputy Chief Counsel for Drugs and Biologics.
	Associate Deputy Chief Cnsel for Devices, Foods and Veterinary Medicine.
Office of Management and Systems	Director, Office of Financial Mgmt.
Office of Regulatory Affairs	Assoc Comr for Regulatory Affairs.
	Dep Assoc Comr for Regulatory Affairs.
	Regl Food and Drug Director, NE Region.
	Regl Food and Drug Director, Southeast Region.
	Regl Food and Drug Director, Southwest Region.
	Dir Ofc of Criminal Investigations.
	Regional Food and Drug Director, Central Region.
	District Food and Drug Director, New York District.
	Deputy Director for Investigations.
	District Food and Drug Director, Los Angeles District.
Center for Drug Evaluation and Research	Director, Office of Management.
	Dir, Div of Medical Imaging S and D Products.
	Director, Office of Generic Drugs.
	Dir, Office of Epidemiology and Biostatistics.
	Director, Office of Compliance.
	Senior Advisor for Policy.
Center for Devices and Radiological Health	Dir Office of Compliance.
	Dir, Office of Science and Technology.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Dir Ofc of Sys and Management.
Center for Food Safety and Applied Nutrition	Director, Office of Seafood.
	Dir Ofc of Premarket Approval.
	Dir Ofc of Field Programs.
	Dir, Ofc of Plant and Dairy Foods and Beverages.
	Director, Office of Regulations and Policy.
Center for Veterinary Medicine	Director, Office of Science.
	Director, Office of Surveillance and Compliance.
Office of Special Programs	Director, Office of Special Programs.
HIV/AIDS Bureau	Director, Office of Science and Epidemiology.
Office of the Director	Director, Div of Financial Management.
	Director, Division of Contracts and Grants.
	Associate Director For Extramural Affairs.
	Associate Director for Disease Prevention.
	Dir, Ofc of Medical Applications of Research.
	Associate Director for Administration.
	Director, Office of Policy for Extramural Research Administration.
	Senior Advisor for Policy.
	Director, Office of Reports and Analysis.
	Scientific Advisor for Capacity Development.
National Heart, Lung and Blood Institute	Dir Div of Heart and Vascular Diseases.
	Dir Div of Lung Diseases.
	Dir, Div of Blood Diseases and Resources.
	Director, Division of Extramural Affairs.
	Assoc Dir for International Programs.
	Dir Ofc of Biostatics Research.
	Deputy Director Div of Heart Vascular Diseases.
	Deputy Director Div of Epidem and Clinical Application.
	Director, Epidemiology and Biometry Program.
	Director, National Center for Sleep Disorders.
Intramural Research	Chf Lab of Biochemical Genetics.
	Chf Lab of Biochemistry.
	Chief Lab of Biophysical Chemistry.
	Chief Macromolecules Section.
	Chf, Intermediary M and B Section.
	Chf, Lab of Kidney and Electrolyte Metabolism.
	Chief Lab of Cardiac Energetics.
	Chief, Metabolic Regulation Section.
National Cancer Institute	Assoc Dir for Intramural Management.
	Assoc Director for Extramural Management.
	Associate Director, Cancer Diagnosis Program.
	Assistant Director for Financial Management.
	Deputy Director for Management.
	Associate Director, Referral Review and Program Coordination.
	Deputy Director for Administrative Operations.
Division of Cancer Biology, Diagnosis and Centers	Chf, Microbial G and B Section, Lab of Biochem.
	Chief, Lab of Biochem Intramural Res Prog.
	Assoc Dir, Extramural Research Program.
	Deputy Director, Div of Cancer Biology Diag and Centers.
	Chief Dermatology BR, Intramural Res Prog.
	Chief, Cell Mediated Immunity Section.
	Chief, Lab of Tumor and Biol Immunology, IRP.
	Dir, Div of Cancer Biology Diagnois and Ctrs.
	Assoc Dir, Ctrs Training and Resources Prog.
Division of Cancer Etiology	Chief Lab of Biology.
	Chief Laboratory of Molecular Carcinogenesis.
	Chf Lab of Experimental Pathology.
	Dir, Div of Cancer Etiology.
Division of Cancer Prevention and Control	Deputy Director, Div of Cancer Prevention and Control.
	Associate Dir, Surveillance Program, DCPC.
	Assoc Dir, Early D and C Oncology Program.
Division of Extramural Activities	Dir, Div of Extramural Activities.
	Deputy Dir, Div of Extramural Activities.
Division of Cancer Treatment	Chf-Radiation Oncology BR.
	Assoc Dir, Cancer Therapy Evaluation Program.
National Institute of Diabetes and Digestive and Kidney Diseases	Dir Div Kidney Urologic and Hematologic Diseases.
	Dir Division of Extramural Activities.
	Chf, Lab of Molecular and Cellular Biology.
	Deputy Director for Management and Operations.
Intramural Research	Chief Section on Biochemical Mechanisms.
	Chf Sect on Metabolic Enzymes.
	Chf Sect on Physical Chemistry.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Chief, Section on Molecular Structure.
	Chief Theoretical Biophysics Section.
	Chief, Laboratory of Bio-Organic Chemistry.
	Chief Oxidation Mechanisms Section L B C.
	Chief Laboratory of Biochemistry and Metabolism.
	Clinical Dir and Chief, Kidney Disease Section.
	Chief, Section on Molecular Biophysics.
	Chf, Sec Carbohydrates Lab of Chemistry/Niddk.
	Chief, Laboratory of Neuroscience, Niddk.
	Chf, Laboratory of Medicinal Chemistry.
	Chief, Morphogenesis Section.
National Institutes of Arthritis and Musculoskeletal and Skin Diseases.	Director, Extramural Program.
	Deputy Dir.
	Associate Director for Management and Operations.
National Library of Medicine	Deputy Director, Natl Lib of Medicine.
	Deputy Director for Res and Education.
	Associate Director for Library Operations.
	Assoc Dir for Extramural Programs.
	Director, Lister Hill National Center for Biomedical Commun.
	Deputy Director Lister Hill Natl Ctr for Biomed Comms.
	Director, Information Systems.
	Dir Natl Ctr for Biotech Info.
	Assoc Dir for Health and Info Prog Development.
	Associate Director for Administrative Management.
National Institutes of Allergy and Infectious Diseases	Dir, Div of Allergy/Immunlogy/Transplantation.
	Chf, Lab of Parasitic Diseases.
	Dir, Div of Microbiology/Infectious Diseases.
	Chief, Lab of Immunogenetics.
	Dir, Div of Extramural Activities.
	Ch, Lab of Microbial Structure and Function.
	Chief Lab of Molecular Microbiology.
	Dir, Div Acquired Immunideficiency Syndrome.
	Chief, Biological Resources Branch.
	Head, Lymphocyte Biology Section.
	Chief, Laboratory of Infectious Diseases.
	Deputy Director Div of Acquired Immunodeficiency.
	Head Epidemiology Section.
	Chief, Laboratory of Malaria Research.
	Dir Div of Intramural Research.
	Dep Chief Lab of IMM and Head Lymp Biol Section.
National Institutes of Aging	Scientific Director Gerontology Rsch Cntr.
	Clin Director and Chief Clin Physiology Br.
	Associate Dir For Behavioral Sciences Res.
	Assoc Dir Biology of Aging Program.
	Assoc Dir, Office of Extramural Affairs.
	Assoc Dir, Epidemi, Demo, and Biometry Program.
	Assoc Dir, Ofc of Plnng, A and I Activities.
	Assoc Dir Neurosci and Neuropsych of Aging Prog.
	Associate Director For Administration.
National Institutes of Child Health and Human Development	Chief, Laboratory of Molecular Genetics.
	Chf, Endocrinology and Reproduction Research Br.
	Director Ctr Forres For Mothers and Children.
	Director Cntr For Population Research.
	Chief, Section of Growth Factors.
	Assoc Dir For Prevention Research.
	Chief Laboratory of Mamalian Genes and Develop.
	Chief, Section on Molecular Endocrinology.
	Chief, Section Neuroendocrinology.
	Chief Section on Microbial Genetics.
	Chief, Laboratory of Comparative Ethology.
	Associate Director For Administration.
	Dir, Natl Center For Medical Rehab Research.
National Institute of Dental and Craniofacial Research	Chief, Laboratory of Immunology.
	Dir, Extramural Program
	Associate Director for International Health.
	Associate Director for Management.
	Associate Director for Program Development.
National Institutes of Environmental Health Sciences	Chf Lab of Pulmonary Pathobiology.
	Head Mutagenesis Section.
	Head Mammalian Mutagenesis Section.
	Senior Scientific Advisor.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Associate Director For Management.
	Chief Lab of Molecular Carcinogenesis.
	Dir Natl Inst of Environmental Health Science.
	Dir Environmental Toxicology Program.
National Institutes of General Medical Sciences	Dir Genetics Program.
	Associate Director For Extramural Activities.
	Director, Division of Pharamcology, Physiology, and Biological Chemistry.
	Dir Bio Phys Sciences Program Branch.
	Deputy Director Natl Institute of General Med Sci.
	Dir, Minority Opportunities in Res Prog Br.
	Associate Director For Administration and Operations.
National Institutes of Neurological Disorders and Stroke	Dir, Div of Fundamental Neurosciences.
	Associate Director For Administration.
	Dir, Basic Neurosci Prog/Chf/Lab or Neurochem.
	Chf, Lab of Molecular and Cellular Neurobiology.
Intramural Research	Chief Lab or Central Nervous System Studies.
	Chf, Dev and Metabolic Neurology Branch.
	Deputy Chief, Lab of Central Nervous Sys Stud.
	Chief, Neuroimaging Branch.
	Chief, Laboratory of Nuerobiology.
	Chief, Laboratory of Neura Control.
	Chief Brain Structural Platicity Section.
	Chief Stroke Branch.
National Eye Institute	Chief Laboratory of Retinal Cell and Mol Biolog.
	Chief, Lab of Molecular and Dev. Biology.
	Chief, Laboratory of Sensorimotor Research.
National Institutes of Deafness and Other Communication Disorders.	Director, Division of Human Communication.
	Chief Laboratory of Cellular Biology.
	Associate Director For Administration.
	Director, Division of Extramural Research.
National Institutes of Health Clinical Center	Associate Director For Planning.
	Assoc Chf, Position Emission T and R.
	Deputy Director For Management and Operations.
	Chief Financial Officer.
	Chief Operating Officer.
Center for Information Technology	Chief, Computer Center Branch.
	Deputy Director.
	Assoc Dir Ofc of Computing Resources Services.
	Senior Advisor to Director, Center for Information Technology.
John E. Fogarty International Center	Deputy Director Fogarty International Ctr.
	Assoc Dir For Int'l Advanced Studies.
National Center for Research Resources	Dir, Natl Center for Research Resources.
	Dir, Gen Clinical Res Ctr For Res Resources.
	Deputy Director, Natl Center for Research Resources.
	Associate Director For Biomedical Technology.
	Associate Director For Comparative Medicine.
	Associate Director For Research Infrastructure.
Center for Scientific Review	Associate Director for Referral and Review.
	Assoc Dir For Statistics and Analysis.
	Director, Division of Molecular and Cellular Mechanisms.
	Director, Division of Physilogical Systems.
	Director, Division of Clinical and Population-Based Studies.
	Director, Division of Biologic Basis of Disease.
National institute of Nursing Research	Director National Cntr For Nursing Research.
	Deputy Director/Director, Division of Extramural Activities.
National Human Genome Research Institute	Deputy Director.
	Dir Div of Intramural Res Natl Ctr H G R.
	Chief Diag Devel Br Natl Ctr Human Gen Res.
	Chf, Lab of Genetic Dis Res Natl Ctr For Hgr.
	Associate Director For Management.
National Institute on Drug Abuse	Assoc Dir For Planning and Resources Management.
	Dir, Office of Extramural Program Review.
	Director Division of Clinical Research.
	Dir, Medications Development Division.
	Chief, Neuroscience Research Branch.
	Associate Director For Clinical Neuroscience and Medical Affs, Division of Treatment Research and Development.
National Institute of Mental Health	Deputy Director, National Institute of Mental Health.
	Associate Director For Special Populations.
	Associate Director For Prevention.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Exec Ofcr, Natl Institute of Mental Health.
	Dir, Ofc of Legislative Analysis and Coord.
	Dir, Div of Neuroscience and Behavioral Sci.
	Chief, Neuropsychiatry Branch.
	Chief, Child Psychiatry Branch.
	Chief, Biological Psychiatry Branch.
	Chief, Laboratory of Clinical Science.
	Chief, Section on Histopharmacology.
	Director, Office on Aids.
	Chief, Section on Clinical and Experimental Neuropsychology.
	Director, Division of Mental Disorders, Behavioral Research and Aids.
	Director, Division of Services and Intervention Research.
	Chief, Section on Cognitive Neuroscience.
National Institute on Alcohol Abuse and Alcoholism	Director, Division of Basic Research.
	Associate Director for Administration.
Agency for Healthcare Research and Quality	Dir Ctr for Outcomes and Effectiveness Research.
	Executive Officer.
	Director, Office of Research Review, Education, and Policy.
Department of Housing and Urban Development:	
Office of the Inspector General	Asst Inspector General for Investigations.
	Assistant Inspector General for Audit.
	Deputy Inspector General.
	Asst Inspector General for Management and Policy.
	Deputy Asst Inspector for Investigation.
	Dep Asst Inspector Gen for Audit.
	Dep Asst Inspector General for Investigation.
	Counsel to the Inspector General.
Office of the Chief Financial Officer	Assistant Chief Financial Officer for Budget.
	Deputy Chief Financial Officer.
	Assistant Chief Financial Officer for Financial Management.
	Assistant Chief Financial Officer for Accounting.
Departmental Enforcement Center	Chief Counsel
	Associate Director, Departmental Enforcement Center.
	Director, Departmental Enforcement Center.
Assistant Secretary for Administration	Director, office of Procurement and Contracts.
	Director, Grants Management Center.
	Senior Advisory for Procurement Planning and Program Liaison.
Office of the Chief Information Officer	Information Technology Advisor.
	Deputy Chief Information Officer for IT Reform.
Asssitant Secretary for Housing	Housing/Fed Housing Adm Comptroller.
	Housing—FHA Deputy Comptroller.
	Director, Office of Asset Management.
	Director, Office of Program Systems Management.
	Deputy Assistant Secretary for Finance and Budget.
Assistant Secretary for Fair Housing and Equal Opportunity	Director, Office of Enforcement.
Office of Departmental Equal Employment Opportunity	Dir, Ofc of Departmental Equal Employ Opport
Assistant Secretary for Community Planning and Development	Director, Ofc of Community Viability Comptroller.
Government National Mortgage Association	Senior Vice President, Office of Capital Markets and Policy.
	Senior Vice President, Office of Finance.
	Senior Vice President, Office of Multifamily Programs.
	Senior Vice President, Office of Program Operations and Support.
	Senior Vice President, Office of Management and Communication.
	Senior Vice President, Office of Management Operations.
	Senior Vice President, Office of Program Operations.
	Senior Advisor to the President.
Assistant Secretary for Public and Indian Housing	Gen Deputy Assistant Secretary for Public and Indian Housing.
	Deputy Public and Indian Housing Comptroller.
	Dir, Ofc of Public Housing Partnership.
	Deputy Asst Secretary, Office of Troubled Agency Recovery.
	Deputy Director for Finance.
	Comptroller, Real Estate Assessment Center.
	Director, Real Estate Assessment Center.
	Director, Administrative Operations.
	Deputy Assistant Secretary for Admin. and Budget/CFO.
Office of the Inspector General	Assistant Inspector General for Auditing.
	Asst Inspector General for Investigations.
	Assistant Inspector General for Management and Policy.
	Assistant Inspector General for Strategic Initiatives.
	Assistant Inspector General for Program Integrity.
	General Counsel.
	Deputy Asst Inspector General for Audits.
	Deputy Assistant Inspector General for Audits.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
Office of the Solicitor	Deputy Assoc Solicitor, General Law.
	Deputy Associate Solicitor, Division of Parks and Wildlife.
	Deputy Associate Solicitor-Mineral Resources.
	Associate Solicitor for Administration.
	Deputy Associate Solicitor, Division of Land and Water Resources.
Assistant Secretary—Policy, Management and Budget	Asst Dir for Economics.
	Manager, Science and Engineering.
	Designated Agency Ethics Official.
	Deputy Assistant Secretary—Law Enforcement and Security.
	Deputy Asst Secretary Budget and Finance.
	Dir, Ofc of Fin Mgmt and Dep Chf Fin Officer.
	Chief Div of Budget and Program Review.
	Deputy Agency Ethics Staff Officer.
Assistant Secretary—Fish and Wildlife and Parks National Park Service.	Director for Everglades Restoration.
	Financial Advisor (Comptroller).
	Park Manager—Grand Canyon.
Field Offices	Park Manager—Yosemite (Superintendent).
	Park Manager—Everglades.
	Park Manager—Yellowstone (Superintendent).
	Asst Dir, Design and Construction (MGR, DSC).
	Park Manager-Independence Natl Historic Park.
United States Fish and Wildlife Service	Executive Dir Regional Ecosystem Office.
Field Offices	Director, Technical Services Center.
	Spec Asst to the Dir, Reclamation Serv Center.
	Director, Management Services Office.
United States Geological Survey	Regional Geographer, Western Region.
	Regional Hydrologist, Western Region.
	Chief Scientist for Hydrology.
Directors Office	Geographic Information Officer.
	Deputy Director, U.S. Geological Survey.
	Regional Director, Eastern Region.
	Regional Director, Western Region.
	Physical Scientist.
	Chief, Office of Administrative Policy and Services.
	Associate Director for Geography.
National Mapping Division	Associate Director for Geography.
	Associate Division Chief for Operations.
Field Offices	Chief, EROS Data Center.
	Chief Mid-Continent Mapping Center.
	Chief Rocky Mountain Mapping Center.
	Chief Mapping Applications.
	Regional Geographer, Eastern Region.
Water Resources Division	Associate Division Chief for Water.
	Associate Chief Hydrologist for Program Operations.
	Asst Chief Hydrologist for Water Information.
	Assistant Chief Hydrologic for Research.
	Chf, National Water Data Exchange Program.
Field Offices	Regional Hydrologist Central Region.
	Regl Hydrologist Southeastern Region.
	Regional Hydrologist, Western Region.
	Regional Hydrologist, Northeastern Region.
Geologic Division	Associate Director for Geology.
	Assoc Chief Geologist for Program Operations.
	Associate Chief Geologist for Science.
	Regional Geologist, Western Region.
	Regional Geologist, Eastern Region.
	Chief Scientist for Geology.
Biological Resources Division	Asst Dir, Budget and Administration.
	Associate Chief Biologist for Operations.
	Associate Chief Biologist for Information.
Field Offices	Regional Chief Biologist, Eastern Region.
	Regional Biologist, Western Region.
Field Offices	Regional Director.
	Regional Director.
	Regional Director.
Minerals Management Service	Associate Dir for Policy and Mgmt Improvement.
Field Offices	Regional Director, Gulf of Mexico OCS Region.
	Asst Program Director for Offshore Compliance and Asset Management.
	Asst Prog Director for Onshore Compliance and Asset Management.
	Regional Director, Alaska OCS Region.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Regional Director, Pacific OCS Region.
	Deputy Associate Director for Minerals Revenue Management.
Assistant Secretary—Indian Affairs	Chief Financial Officer.
Bureau of Indian Affairs	Deputy Director, Office of Indian Education Programs.
Office of Hearings and Appeals	Dir, Ofc of Hearings and Appeals.
Department of Justice:	
Office of the Legal Counsel	Special Counsel.
	Special Counsel.
Office of the Inspector General	Assistant Inspector General, Evaluation and Inspections Division
	Assistant Inspector General for Audit.
	Assistant Inspector General for Investigation.
	Assistant Inspector General for Management and Planning.
	Deputy Inspector General.
	General Counsel.
	Director, Office of Oversight and Review.
	Sen Exec Strategic Plan and Spec Project.
Office of Professional Responsibility	Counsel on Professional Responsibility.
	Deputy Counsel on Professional Responsibility.
Justice Management Division	Asst Attorney General for Administration.
	Deputy Asst Attorney General.
	Director.
	Dir, Security and Emergency Plnng Staff.
	Director, Computer Services Staff.
	Dir Finance Staff.
	Dep Asst Attorney General; Controller.
	Dep Asst Attorney Gen Human Res/Admin.
	Dir Library Staff.
	Director, Information Mgmt and Security Staff.
	Dir, Facilities and Administrative Svc Staff.
	Director, Ofc of Atty Pers Mgmt.
	Dir Telecommunications Services Staff.
	IT Project Manager.
	Director Management and Planning Staff.
	Director, Budget Staff.
	Director, Debt Collection Management Staff.
	Asst Dir, Management and Planning Staff.
	Senior Policy Advisor.
	Chief Information Officer.
	Dir Procurement Services Staff.
	Dir, Systems Technology Staff.
	General Counsel.
	Dir, Equal Employment Opportunity Staff.
	Senior Counsel.
	Director, Department Ethics Office.
	Deputy Director, Budget Staff.
	Director, Systems Engineering and Development Staff.
	Senior Program Manager.
Professional Responsibility Advisory Office	Director, Professional Responsibility Advisory Office.
Office of Federal Detention Trustee	Federal Detention Trustee.
Executive Office for United States Trustees	Executive Officer.
Executive Office for Immigration Review	Chief Immigration Judge.
	Assistant to the Director.
	Chairman, Board of Immigration Appeals.
	General Counsel.
	Attorney—Examiner (Immigration).
	Chief Admin Hearing Officer.
Antitrust Division	Deputy Director of Operations.
	Chief, Competition Policy Section.
	Senior Litigator.
	Executive Officer.
	Chief Computers and Finance Section.
	Senior Litigator.
	Senior Litigator, Atlanta Field Office.
	Deputy Chief, Litigation II Section.
Civil Division	Spec Litigation Counsel (Foreign Litigation).
	Spec Litigation Counsel.
	Sepc Litigation Counsel.
	Special Litigation Counsel (Federal Programs).
	Spec Litigation Coun, C/L Branch.
	Deputy Branch Director.
	Deputy Branch Director/Commercial Litigation.
	Deputy Branch Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Director of Management Programs.
	Deputy Branch Director.
	Deputy Branch Dir Civil Frauds.
	Deputy Branch Director.
	Director Office of Consumer Litigation.
	Deputy Director, Commercial Litigation Branch.
	Appellate Litigation Counsel.
	Deputy Branch Director.
	Deputy Director, Tobacco Litigation Team.
	Deputy Director, Appellate Staff.
Civil Rights Division	Special Litigation Counsel.
	Executive Officer.
Environment and Natural Resources Division	Senior Litigation Coun Attorney—Examiner.
	Dep Chf, Environmental Enforcement Section.
	Executive Officer.
	Principal Deputy Chief Environ Enforce Sec.
	Supervisory Trail Attorney.
Tax Division	Special Litigation Counsel.
	SR Trial Attorney.
	Special Litigation Counsel.
	Spec Litigation Counsel.
	Chief Civil Trail Section Southwestern Region.
	Executive Officer.
Immigration and Naturalization Service	Asst Commissioner for Detention and Deportation.
	Asst Commissioner for Adjudication and Natural.
	Assistant Commissioner for Border Patrol.
	Director of Internal Audit.
	Director of Security.
	Asst Comr. Budget.
	Regional Director Central Region.
	Asst Commissioner Administration.
	Chief Patrol Agent.
	District Director.
	Chief Patrol Agent.
	District Dir, Western Reg, Phoenix District.
	Deputy General Counsel.
	Chief Patrol Agent, El Paso, TX.
	Deputy Executive Associate Commissioner for Detention and Removals.
	Associate Commissioner, Field Services Operations.
Associate Commissioner for Informaton Systems	Deputy Associate Commissioner for Information Resources Management.
Associate Commissioner for Examinations	Asst Comm for Inspections.
Associate Commissioner for Enforcement	Assistant Commissioner for Investigations.
	Assistant Deputy Executive Associate Commissioner, Field Operations.
Executive Associate Commissioner for Management	Assistant Comr, Human Resources and Development.
	Assistant Commissioner for Records.
Regional Offices—Immigration and Naturalization Service	District Director Newark District.
	District Director, Newark, District.
	Chief Patrol Agent, McAllen, Texas.
	Chief Patrol Agency, Tucson, Arizona.
	Regional Counsel, Western Region.
Ofc of the Associate Attorney General	Deputy Director for Support Services.
Executive Ofc for United States Attorneys	Dir Ofc of Mgnt Information Systems Support.
	Dir, Office of Administration and Review..
	Deputy Director for Operations.
	Executive Officer (Principal Assoc Director).
	Director, Office of Legal Education.
	Deputy Director, Financial Management Staff.
Criminal Division	Senior Counsel to the Assistant Attorney General.
	Director, Organized Crime Drug Enforcement Task Forces.
	Deputy Chief, Fraud Section.
	Chief, Asset Forfeiture and Money Laundering Section.
	Senior Appellate Counsel.
	Senior Counsel.
	Executive Officer.
	Dir Intl Criminal Invest Train Asst Program.
	Chief, General Litigation and Legal Advice Sect.
	Senior Counsel for Natl Security Matters.
	Dep Chief Terrorism and Violent Crime Section.
	Deputy Chief, Computer Crime and Intellectual Property Sec.
	Chf of International Training and Dev Programs.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Senior Counsel to the Assistant Attorney General.
	Principal Deputy Chief, Narcotic and Dangerous Drug Section.
	Director, Office of Overseas Prosecutorial Development, Assistance, and Training.
	Chief, Asset Forfeiture Office.
	Senior Counsel for National Security Matters.
Office of Senior Counsels	Sr Counsel for Litigation.
Office of Deputy Assistant Attorney General I	Counsel to the Office Fraud Section.
Office of Deputy Assistant Attorney General II	Chf Public Integrity Section.
	Deputy Chief Public Integrity Section.
Federal Bureau of Prisons	Assistant Director For Administration.
	General Counsel.
	Assoc Commr, Fed Prisons Industries, Unicor.
	Dep Assoc Commr Fed Prison Industries.
	Warden Ft Worth Texas.
	Warden Marianna FL.
	Asst Director for Human Res Mgmt.
	(Warden) Miami, FL.
	Senior Deputy Asst Dir Health Services Div.
	Regional Director Mid Atlantic Division.
	Asst Director, Community Corrections and Detention.
	Asst Dir, Info, Pol, and Public Afrs Div.
	Warden Talladega AL.
	Gen Counsel, Fed Prison Industries (UNICOR).
	Warden, Allenwood, Pennsylvania.
	Sr Mgt Counsel, (Federal Bureau of Prisons).
	(Warden) Fort Dix, NJ.
	(Warden) FCC, Floren, CO.
	Correctional Inst Admr (ARD) SCR, Dallas, TX.
	Corrl Inst Admr (SDAD), CC and D Div, Wash, DC.
	Warden, USP, Florence, CO.
	CIA (Warden) Fed Medical Center Carswell, TX.
	CIA (Warden) U.S. Penitentiary, Allenwood, PA.
	(Warden) FTC, Okalhoma, OK.
	Senior Deputy Assistant Director (Administration).
	CIA (Warden) Fed Cortl Inst/EL Reno, OK.
	CIA (Warden) Fed Medical Center/Miami, FL.
	Correctional Prog Offcr/Sr Dep Regl Dir.
	Corrrectional Inst Admr (Warden) FCI.
	Correctional Prog Ofcr/Senior Deputy Assistant Director PRD.
	Correctional Program Officer.
	Correctional Prog Officer (WFCI, Estill, SC).
	Correctional Prog Officer (Warden Fed CI, SC).
	Correctional Institution Admin (W, FMC, FTD, MA).
	Correctional Institution Administrator.
	Correctional Institution Admr (Warden).
	Correction Institution Administrator (Warden, U.S. Penitentiary, Beaumont, TX).
	Assistant Director, Health Services Division.
	Deputy Assistant Director for Administration.
	Correctional Program Officer.
	Warden.
	Correctional Institution Administrator (Warden).
	Correctional Institution Administrator (Warden).
	Correction Program Officer (Senior Deputy Assistant Director).
	Budget Officer.
	Warden.
	Warden.
	Warden, USP, Lee, VA.
	Warden, FCI.
	Senior Counsel.
Office of Correctional Programs	Asst Dir Correctional Programs Div.
Northeast Region	Regional Director, Northeast Region.
	Warden, Lewisburg, PA.
	Warden, McKean, PA.
	(Warden), Oakdale, LA.
	Warden, FCI, Fairton, NJ.
	Warden.
	Warden, FCI, McKean, PA.
	Correctional Institution Administrator (Warden).
	Correctional Institution Administrator (Warden).
	Warden, FDC, Phila, PA.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Correctional Institution Administrator (Warden).
Southeast Region	Regional Director, Southeast Region.
	Warden Atlanta.
	Warden, Lexington Kentucky.
	Warden Butner North Carolina.
	Correctional Institution Administrator (Warden).
	Correctional Institution Administrator (Warden).
	Correctional Institution Administrator (Warden).
	Warden, FCI, Petersburg, VA.
	Warden, USP, Big Sandy, KY.
North Central Region	Regional Director, North Central Region.
	Warden Leavenworth Kansas.
	Warden Springfield MO.
	Warden Marion IL.
	Warden Terre Haute, IN.
	Warden, Federal Medical Center, Rochester, Minnesota.
	Correctional Institution Administrator (Warden).
	Correctional Institution Administrator (Warden).
	Correctional Institution Administrator (Warden).
	Correctional Institution Administrator (Warden).
South Central Region	Regional Director, South Central Region.
	Warden El Reno Okla.
	Warden, Federal Correctional Institution, Medium, Beaumont, Texas.
	Warden, FCI, Three Rivers, Texas.
Western Region	Regional Director, Western Region.
	Warden, Lompoc, CA.
	Warden Phoenix AZ.
	Warden Federal Correctional Institution.
	Correctional Institution Admr.
	Correctional Institution Administrator (Warden).
	Correctional Institution Administrator (Warden).
Office of Justice Programs	Director of Administration.
	Deputy Director, National Institute of Justice.
	Director, Corrections Program Office.
	Comptroller.
	Budget Officer.
	Deputy Director, Office for Victims of Crime (Policy and International Programs).
	Director, Drug Courts Program Office.
	Assistant Director, Office of Administration.
	Principal Deputy Director, OVC.
Office of Juvenile Justice and Deliquency Prevention	Deputy Administrator, Office Discretionary Grants.
	Special Advisor.
National Institute of Justice	Special Advisor.
Bureau of Justice Statistics	Supervisory Statistician.
United States Marshals Service	Assistant Director for Human Resources.
	Assoc Director for Operational Support.
	Senior Management Advisor.
	Assistant Director for Prisoner Services.
	Assistant Director for Business Services.
	Assistant Director for Mgmt and Budget.
	Assistant Director for Executive Service.
	Assistant Director for Investigative Servs.
	Assistant Director for Judicial Security.
	Asst Director for Organizational Development.
	Assistant Director for Training.
	Assistant Director, Justice Prisoner and Alien Transportation System.
	Assistant Director, for Investigative Services.
Community Oriented Policing Services	Deputy Director, Office of Community Policing Development.
Department of Labor:	
Office of the Deputy Secretary	Director, Office of Policy and Research.
Office of the Inspector General	Deputy Inspector General.
	Asst Inspector General for Investigations.
	Asst Inspector Gen for Audit.
	Deputy Assistant Inspector General for Audit.
	Asst Inspector Gen for Labor Racketeering.
	Asst Inspector Gen for Mgmt and Counsel.
	Asst Inspector Gen/Analysis Complaints/Eval.
	Assistant Inspector General for Analysis, Complaints and Evaluations.
	Assistant Inspector General for Communications, Inspections and Evaluations.
	Counsel to the Inspector General.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
Bureau of International Labor Affairs	Associate Deputy Under Secretary.
Office of the Solicitor	Associate Solicitor for Labor-Management Laws.
	Associate Solicitor for Labor-Management Laws.
	Assoc Solicitor for Plan Benefits Security.
	Regional Solicitor—Chicago.
	Assoc Solicitor for Civil Rights.
	Assoc Solicitor for Occupational Safety and Hlt.
	Assoc Solicitor for Mine Safety and Health.
	Assoc Solicitor for Fair Labor Standards.
	Regional Solicitor—Atlanta.
	Assoc Solicitor for Employee Benefits.
	Regl Solicitor Boston.
	Regl Solicitor New York.
	Regional Solicitor Philadelphia.
	Regl Solicitor Dallas.
	Regl Solicitor Kansas City.
	Regl Solicitor San Francisco.
	Deputy Solicit or (Regional Operations).
	Assoc Sol for Spec Appel and Sup Court Lit.
	Dep Solicitor for Planning and Coordination.
	Associate Solicitor for Black Lung Benefits.
Office of Chief Financial Officer	Deputy Chief Financial Officer.
	Associate Deputy Chief Financial Officer.
Office of the Assistant Secretary for Administration and Management.	Director of Human Resources.
	Director of Information Technology.
	Director Office of Budget.
	Director Business Operations Center.
	Director of Civil Rights.
	Director, Management Systems Development and Innovation.
	Director of Safety and Health.
	Director of Information Technology Operations.
	Deputy Assistant Secretary for Budget and Strategic and Performance Planning.
	Deputy Assistant Secretary for Operations.
	Director, Program Planning and Results Center.
Employment Standards Administration	Dir Ofc of Mgmt, Administration and Planning.
Office of Federal Contract Compliance Programs	Director Division of Programs Operations.
Wage and Hour Division	Dep Natl Ofc Program Administrator.
	Deputy Wage and Hour Administrator (Operations).
	Principal Deputy Wage and Hour Administrator.
Office of Workers Compensation Programs	Dir Federal Employees Compensation.
	Dir Coal Mine Workers Compensation.
Office of Labor-Management Standards	Deputy Director, Employment Standards Administration.
Pension and Welfare Benefits Administration	Dir of Regulations and Interpretations.
	Deputy Assistant Secretary for Program Operations.
	Director of Exemption Determinations.
	Senior Policy Advisor.
	Regional Director—Boston.
	Regional Director—Atlanta.
	Regional Director—Kansas City.
	Regional Director—San Francisco.
	Dir of Enforcement.
	Director of Health Plan Standards Compliance and Assistance.
	Director of Participant Assistance and Communications.
	Director of Information Management.
Bureau of Labor Statistics	Associate Commissioner for Field Operations.
	Associate Commissioner for Administration.
	Assoc Commissioner for Employment Projections.
	Assoc Commr for Prices and Living Conditions.
	Assoc Commr Productivity and Technology.
	Deputy Commissioner.
	Assoc Commissioner/Survey Methods Research.
	Assoc Comm for Employment and Unempl Statistics.
	Asst Commr for Indust Prices and Price Indexes.
	Director of Survey Processing.
	Dir of Technology and Computing Svcs.
	Asst Commissioner for Current Employ Analysis.
	Associate Comr for Technology and Survey Processing.
	Asst Comr for Compensation Levels and Trends.
	Asst Comr for Safety, H and W Conditions.
	Assoc Comr Compensation and Working Conditions.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Asst Commr for International Prices.
	Asst Commr for Publications and Spec Studies.
	Asst Commr for Consumer Prices/Price Indexes.
	Asst Commr for Fedl/State Coop Stat Programs.
Employment and Training Administration	Admr, Ofc of Financial and Administrative Mgmt.
	Director, Office of Career Transition Assistance.
	Administrator, Office of National Programs.
	Administrator, Office of Workforce Investment.
	Administrator, Office of National Response.
	Administrator, Office of Performance Results.
Occupational Safety and Health Administration	Director, Directorate of Science, Technology and Medicine.
	Director, Safety Standards Programs.
	Director, Directorate of Cooperative and State Programs.
	Dir Health Standards Programs.
	Dir, Adm Progs.
	Director, Directorate of Standards and Guidance.
Mine Safety and Health Administration	Director of Administration and Management.
	Director of Technical Support.
	Director of Prog Evaluation and Info Resources.
Veterans Employment and Training Service	Director of Resource Management.
Office of Disability Employment Policy	Director, Office of Operations.
Merit Systems Protection Board:	
Office of the Clerk of the Board	Clerk of the Board.
Office of Financial and Administrative Management	Director, Financial and Administrative Management.
Office of Policy and Evaluation	Director, Office of Policy and Evaluation.
Office of Information Resources Management	Director, Information Resources Management.
Office of Regional Operations	Director, Office of Regional Operations.
Atlanta Regional Office	Regional Director, Atlanta.
Central Region, Chicago Regional Office	Regional Director, Chicago.
Northeast Region, Philadelphia Regional Office	Regional Director, Philadelphia.
Western Region, San Francisco Regional Office	Regional Director, San Francisco.
Washington, DC Region, Washington Regional Office	Regional Director, Washington, D.C.
National Aeronautics and Space Administration:	
	Senior Program Executive, Advanced Technology Program Management.
	Senior Systems Engineer.
Office of the Administrator	Associate Administrator for Education.
Office of the Chief Financial Officer/Comptroller	Deputy Chief Financial Officer.
	Director, Financial Management Division.
	Director, Resources Analysis Division.
	Associate Chief Financial Officer IFMP.
	Special Assistant.
	Director, Strategic Management and Planning.
Office of Equal Opportunity Programs	Director, Discrimination Complaints Division.
Office of Human Resources and Education	Director, Management System Division.
	Assistant Administrator for Human Resources and Education.
	Director, Education Division.
	Director, Personnel Division.
	Director, Management Systems Division.
	Director, Training and Development Division.
Office of Procurement	Associate Administrator for Procurement.
	Director, Program Operations Division.
	Director, Contract Management Division.
	Director Analysis Division.
Office of External Relations	Dep Assoc Admin for External Relations (Space Flight).
	Manager, International Technol Transfer Pol.
	Director, Space Flight Division.
	Director, Research Division.
	Director, Earth Science Division.
	Director, Space Science and Aeronautics Division.
	Manager, International Technology Transfer Policy.
Space Flight	Program Executive Officer for Human Space Flight.
Office of Management Systems and Facilities	Director, Facilities Engineering Division.
	Dir Environmental Management Division.
Information Resources Management	Director, Information Resources Mgmt Division.
Office of Small and Disadvantaged Business	Assoc Admr for S and D Business Utilization.
Office of Legislative Affairs	Dep Assoc Admin.
	Dep Assoc Admin for Programs.
	Director, Liaison Division.
Office of Space Flight	Deputy Chief.
	Director, Advanced Project Office.
	Deputy Associate Admin. for Business Management.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Deputy Associate Admin. for Space Operations.
	Special Assistant to the Associate Administrator.
Institutions	Deputy Associate Administrator for Interagency Enterprise.
Space Flight Development	Deputy Associate Administrator for Space Development.
Johnson Space Center	Chief Financial Officer.
	Director of Human Resources.
	Dir of Tech Transfer and Commercialization.
	Chief Information Officer.
	Deputy Chief Information Officer.
	Associate Director (Technical).
	Assistant Director, Space Operations.
	Manager Advanced Communications Operations.
	Associate Director (Management).
	Assistant Director for University Research and Affairs.
	Manager EVA Project Office.
	Director, Public Affairs Office.
	Manager for International Operations.
	Chief Engineer.
	Associate Director (Space Development and Commerce).
Space Operations Office	Manager, Space Operation Mgmt Office.
	Manager, Space OPS Engineering Office.
	Director, Space Operations Office.
	Deputy Dir, Space Operations Office.
	Director Space Operations.
	Space Operations Commercialization Manager.
	NASA Representative to Headquarters, AF Space Command.
Space Station Program Office	Space Station Vehicle Manager.
	Director, Management Operations.
	Deputy Space Station Vehicle Manager.
	Manager International Partners Office.
	Tech Asst to the Mgr, Space Station Program.
	Dep Program Manager for Business Management.
	Deputy Program Mgr for Technical Development.
	Manager, Research Programs.
	Technical Assistant for External Reviews.
	Business Manager.
	Manager, Space Station Payloads Office.
	Space Station Program Manager.
	Deputy Manager, International Space Station Program.
	Manager, Avionics and Software Office.
	Manager, Program Integration Office.
	Manager, Mission Integration and Operations Office.
	Manager for Commercialization.
Space Shuttle Program Office	Mgr, Space Shuttle Vehicle Engineer Ofc.
	Manager, Shuttle Projects Office (MSFC).
	Mgr, Launch Integration (KSC).
	Mgr, Space Shuttle Business Office.
	Asst Mgr, Space Shuttle Prog Space Flight O/C.
	Asst Manager Space Shuttle Program.
	Manager for Space Shuttle Program Development.
	Manager, Space Shuttle Program Integration.
Mission Operations	Director, Mission Operations.
	Chief Flight Director Office.
	Deputy Director, Mission Operations.
	Asst Dir for Operations.
	Chief Engineer, Mission Operations Directorate.
	Chief Flight Director Office.
	Chief, Advanced Operations and Development Division.
Flight Crew Operations	Chief, Aircraft Operations Division.
	Deputy Director, Flight Crew Operations.
	Manager, Phase One Program Office.
	Asst Chief, Aircraft Operations Division.
	Chief Astronaut Office.
Engineering	Chief Structures and Mechanics Division.
	Chief, Crew and Thermal Systems Division.
	Deputy Director, Engineering.
	Chief, Automation, R and S Division.
	Director, Engineering.
	Chief Engineer Space Station Program.
	Chief Avionic Systems Division.
	Assistant to the Director, Engineering.
	Deputy Chief, Avionic Systems Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Chief, Aeroscience and Flight Mechanics Div.
	Manager, Advanced Development Office.
	Deputy Mgr, Advanced Development Office.
	Asst Mgr, Advanced Development Office.
	Deputy Manager for Exploration.
	Chief Energy Systems Division.
	Chief, Manufacturing, Materials, and Process Tech Div.
	Deputy Director of Engineering for Flight.
	Assistant to the Director.
Space and Life Sciences	Chief, Medical Sciences Division.
	Assistant Director for Engineering.
	Assistant to the Director for Russian Progs.
	Chief, Flight Crew Support Division.
	Associate Director, Space and Life Sciences.
	Manager Science Payloads Management Office.
	Chief, Solar System Exploration Division.
	Deputy Director, Space and Life Sciences.
	Assistant Director for Flight Programs.
	Assistant Director for Space Medicine.
	Asst Director, Space and Life Sciences.
	Deputy Director, Astromaterials Research and Exploration Science.
	Associate Director, Technical.
Information Systems	Deputy Director Information Systems.
	Director, Information Systems.
	Deputy Director, Information Systems.
	Assistant to the Director.
Office of Procurement	Procurement Officer.
	Assistant Director, Business and Info Systems.
	Special Assistant to the Director.
	Manager Space Station Business Office.
	Asst Dir Business Management.
	Deputy Director, Business Management.
Center Operations	Dir Center Operations.
	Deputy Director, Center Operations.
Safety, Reliability and Quality Assurance	Dir, Safety, Reliability, and Quality Assurance.
	Deputy Director for Russian Projects.
	Deputy Director SRANDQA.
	Assistant Director for Space Flight Awareness.
White Sands Test Facility	Manager, NASA White Sands Test Facility.
Kennedy Space Center	Dir, Space Station Hardware Integration Ofc.
	Director, Safety Assurance.
	Deputy Director for Planning and Projects.
	Manager Launch Integration (KSC).
	Dep Mgr Elv and Payload Carriers Program Office.
	Director, John F. Kennedy Space Center.
	Associate Director, John F. Kennedy Space Center.
	Director, Workforce and Diversity Management.
	Chief Financial Officer.
	Executive Director, Joint Performance Management Office.
	Director, Procurement Office.
	Deputy Director of Safety, Health and Independent Assessment.
	Director, Space Station Hardware Integration Office.
	Director, External Relations and Business Development.
	Special Assistant to the Director.
Shuttle Processing	Director of Shuttle Processing.
	Deputy Director of Shuttle Processing.
Safety, Health and Independent Assessment	Director of Safety, Health and Independent Assessment.
	Assocaite Director for Agency Occupational Health Program.
	Assocaite Director for Safety and Mission Assurance.
	Assocaite Director for Systems Management.
	Assocaite Director for Management Systems.
Spaceport Engineering and Technology	Deputy Director of Spaceport Engineering and Technology.
	Assocaite Director for Advanced Space Transportation Support.
	Associate Director for Spaceport Technology Projects.
Spaceport Services	Director, Installation Operations.
	Deputy Dir, of Installation Mgmt and Operations.
	Director of Spaceport Services.
	Deputy Director of Spaceport Services and CIO.
	Associate Director of Spaceport Services and Chief Medical Officer.
ISS and Payload Processing	Director of ISS/Payload Processing.
	Deputy Director, ISS/Payload Processing.
Procurement	Director, Procurement.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
External Relations and Business Development	Director, Biomedical Office.
	Deputy Director, External Relations & Business Development.
	Associate Director, External Relations & Business Development.
	Associate Director, External Relations & Business Development (Washington, DC).
	Associate Director, External Relations & Business Development and Senior Public Communications Officer.
ELV and Payload Carriers Program	Director of ELV & Payload Carriers Program.
	Deputy Director of ELV & Payload Carriers Program.
	Director, ELV Launch Services.
Marshall Space Flight Center	Chief Financial Officer.
	Director, Safety and Mission Assurance Office.
	Associate Director.
	Deputy Manager, Space Shuttle Projects Office.
	IFMP Administrative Systems Implementation Manager.
	Integrated Financial Management Program Competency Center Manager.
Science Directorate	Deputy for Management.
	Deputy Director, Science.
	Manager, Microgravity Science and Applications Department.
	Chief Operating Officer, National Space Science and Technology Center.
Engineering Directorate	Manager, Engineering Systems Department.
	Manager, Avionics Department.
	Dir Structures Dynamics Laboratory.
	Chief Engineer Space Shuttle Main Engine Proj.
	Assistant to the Director, Engineering.
	Deputy Director, Engineering.
	Deputy Manager, Materials, Processes and Manufacturing Dept.
	Deputy Manager, Structures, Mechanics and Thermal Department.
Avionics Department	Deputy Manager, Avionics Department.
Center Operations Directorate	Director, Information Systems Services Office.
	Director, Procurement Office.
	Dir Environmental Engineering and Mgnt Office.
	Director Center Operations.
	Deputy Director, Center Operations.
	Manager, Information Services Department.
Space Shuttle Projects	Manager, External Tank Project.
	Mgr Solid Rocket Booster Project.
	Manager Space Shuttle Main Engine Projects.
	Manager, Reusable Solid Rocket Motor Project.
	Chief Engineer Space Shuttle Main Engine Prog.
Global Hydrology Research Office	Manager, Materials, Processes, and Manufacturing Department.
	Manager Microgravity Research Program Office.
Flight Projects Directorate	Deputy Director, Flight Projects.
	Manager, Payload Operations and Integration Department.
	Chief Engineer.
	Manager, Ground Systems Department.
	Manager, Flight Systems Department.
Space Transportation Directorate	Director, Advanced Transportation Syst Office.
	Manager, Vehicles and Systems Development Department.
	Manager, Test and Evaluation Department.
	Manager, Second Generation RLV Program Office.
	Manager, Subsystem and Components Development Department.
	Deputy Director Space Transportation Directorate.
	Chief Engineer, Space Transportation.
	Manager, Propulsion Research Center.
Customer and Employee Relations Directorate	Director, Customer and Employee Relations.
	Deputy Dir, Customer and Employee Relations.
Stennis Space Center	Deputy Director, NASA Stennis Space Center.
	Director, Propulsion Test Directorate.
	Deputy Director, Propulsion Test Directorate.
	Chief Financial Officer.
	Special Assistant to the Director.
	Director, Center Operations and Support Directorate.
	Manager, Propulsion Test Program Office.
	Assistant to the Director.
	Director, Earth Science Applications Directorate.
Office of Public Affairs	Director of Program Operations.
Office of Safety and Mission Assurance	Dep Assoc Adm for Safety and Mission Quality.
	Dir, Enterprise Safety and Mission Assurance.
Safety and Risk Management	Director, Safety and Risk Management Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
Office of Aerospace Technology	Director, Commercial Dev and Technol Transfer.
	Senior Engineer.
	Director, Research Support Division.
	Director, Goals Division.
	Deputy AA for Aerospace Technology (Space Trans.)
Resources and Management Systems	Director, Resources Management Office.
Ames Research Center	Chief Financial Officer.
	Deputy Director, Information Science and Technology.
	Deputy Director Ames Research Center.
	Assistant Director for Information Technology.
	Director, Office of Safety, Environment and Mission Assurance.
	Assistant to the Director.
	Chief, Computational Sciences Division.
	Associate Director for Astrobiology and Space Programs.
	Chief Counsel.
	Associate Director for Systems Management and Planning.
	Special Assistant for Software Integration.
Aerospace	Deputy Director Flight Projects Office.
	Chief, Space Technology Division.
	Chief, Aviation Systems Research Technology and Simulation.
	Chief, Army/NASA Rotorcraft Division.
	Deputy Director of Aerospace.
Aerophysics	Chief, NAS Systems Division.
Astrobiology and Space Research	Director of Astrobiology and Space Research.
	Chief, Life Sciences Division.
	Deputy Director of Astrobiology and Space Research.
Center Operations	Deputy Director, Center Operations.
Research and Development Services	Chief Systems Engineering Division.
	Chief, Wind Tunnel Operations Division.
	Director, Research and Development Services.
	Deputy Director, Research and Development Services.
Information Sciences and Technology	Chief, Human Factors Research and Technology Div.
Dryden Flight Research Center	Aerospace Engineers (CH Engineer).
	Director Research Facilities Directorate.
	Chief Financial Officer (Financial Manager).
	Director Flight OPS Directorate.
	Chief Information Officer.
	Director, Aerospace Proj Directorate.
	Dep, Director, Aerospace Projects.
	Associate Director for Planning.
Langley Research Center	Chief Atmospheric Sciences Division.
	Facility Group Director for the Aerospace Technology Enterprise.
	Dir Independent Prog Assess Office.
	Dir of Education Programs.
	Assistant Director for Planning.
	Special Assistant for Outreach.
	Manager, Hyper-X Phase One Program.
	Deputy Director Indep Progr Assessment Office.
	Director, Airborne Systems.
	Director.
	Deputy Director, Structures and Materials Competency.
Langley Research Center	Director, Space Access and Exploration Program Office.
	Director, Aviation Safety Program Office.
	Associate Director for Program Integration.
	Director, Earth and Space Science Program Office.
	Director, Aerodynamics, Aerothermodynamic and Aeropropulsion Facility Group.
	Deputy Director, Facilities and Test Techniques, AAAC.
	Deputy Director, Independent Program Assessment Office.
Aeronautics	Deputy Director, Airframe Systems Prog Office.
Space and Atmospheric Sciences	Deputy Dir, S and A Sciences Program Group.
	Dir, Aerospace Transportation Program Office.
	Chief, Space Systems and Concepts Division.
Research and Technology Competencies	Director.
	Chief Information and Electromagnetic Tech.
	Chf, Flight Dynamics and Controls Division.
	Deputy Dir, Research and Technology Group.
	Director, Research and Technology Group.
	Chief, Aero and Gas Dynamics Division.
	Chief, Materials Division.
Internal Operations	Chief, Aerospace Mechanical Systems Division.
	Chief, Experimental Testing Technology Div.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Procurement Officer.
	Chief, Simulation and Research Aircraft Div.
High-Speed Research Project	Director for High-Speed Res Project Office.
	Chief Engineer, High-Speed Research.
Aerospace Vehicle Systems Technology Program Office	Deputy Director, Aerospace Trans Technol Office.
	Deputy Director, Aerospace Transportation, Tech Ofc.
	Dir, Aerospace Transport Technology Office.
Safety and Mission Assurance	Dir, Ofc of Safety, E and M Assurance.
Comptroller	Chief Financial Officer.
Glenn Research Center	Chief Financial Officer.
	Deputy Director for Operations.
	Assistant Deputy Director for Policy.
	Chief, Engineering Design and Analysis Division.
	Director, Systems Management Office.
	Chief, Space Transportation Office.
	Deputy Director of Aeronautics.
	Chief, Aeropropulsion Project Office.
Aeronautics	Deputy Director of Aeronautics.
	Chief, Ultra Efficient Engine Technology Office.
Research and Technology	Chief, Turbomachinery and Propulsion Syst Div.
	Chief, Materials Division.
	Chief, Structures and Acoustics Division.
	Chief, Power and On-Board Propulsion Techn Div.
Space	Chief, Microgravity Division.
	Deputy Director of Space.
	Chief, Power Systems Project Office.
Engineering and Technical Services	Chief, Computer Services Division.
	Director of Engineering and Technical Services.
	Deputy Dir of Engineering and Tech Services.
	Chief, Systems Engineering Division.
External Programs	Director, External Programs.
Mission Safety and Assurance	Dir, Ofc of Sfty, Environml and Mission Assur.
Office of Space Science	Director, Research Program Management.
	Technical Assistant to the Director, Office of Space Science.
	Science Program Director.
	Director, Administration and Resource Management Division.
	Senior Program Executive Space Science Program Management.
	Deputy Director Research Program Management Division.
	Deputy Director Flight Program Division.
	Senior Program Executive for Decadal Planning Team (Science).
Solar System Exploration	Science Program Director.
	Director, Mission and Payload Development Div.
	Dir, Advanced Technol and Mission Studies Div.
Space Physics	Science Program Dir, Sun-Earth Connection.
	Sr Sci Prog Executive for Review and Evaluation.
Technology and Information Systems	Director, HQ Info, Technology and Comm Divi.
	SR Sci Program Executive for Information Syst.
Astrophysics	Science Program Director, Galaxy and Universe
	Asst Assoc Admr for Education and Outreach.
	Science Prog Dir, Origins and Planetary Systems.
Office of Life and Microgravity Sciences and Applications	Chief, Advanced Plans Office (Staff).
	Manager, Life Sciences and Technology.
	Dir Life and Biomedical Science and Applics Div.
	Dir, Microgravity Sciences and Applications Div.
	Dir, Space Processing Division.
	Director, Space Utilization and Product Development Division.
Office of Inspector General	Assistant Inspector General for Audits.
	Assist Inspector General for Investigation.
	Assistant Inspector General for Inspections, Administrative Investigations, and Assessments.
	Counsel to the Inspector General.
	Assistant Inspector General, Network and Advanced Technology.
	Protections Office.
	Director, Technical Services Office.
	Director, Computer and Technology Crimes Office.
Office of Earth Science	Senior Engineer, Program Integration.
	Director, Business Division.
	Manager, Earth Sciences Department.
	Deputy Associate Administrator Advanced Planning.
	Deputy Associate Administrator for Mission to Planet Earth.
	Assistant Associate Administrator for Office of Earth Science.
Goddard Space Flight Center	Dir of University Programs.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Chief, NASA SOMO Mission Services Offices.
	Associate Director/Program Manager for Explorers.
	Deputy Associate Director for EOS–G Development.
	Associate Director/Program Manager for the Hubble Space Telescope (HST).
	Deputy Associate Director for Hubble Space Telescope (HST).
	Development.
	Deputy Director For Systems Management.
	Deputy Director of Applied Engineering and Technology For Planning and Development.
Human Resources	Director of Human Resources.
Comptroller	Chief Financial Officer/Comptroller.
Management Operations	Deputy Director of Management Operations.
	Associate Director For Acquisition.
Flight Assurance	Director of Flight Assurance.
	Deputy Director of Flight Assurance.
Flight Projects	Deputy Director of Flight Projects.
	Project Mgr, Opns and Ground Systems.
	Project Mgr, Earth Observing Syst Am Project.
	Geostationary Opl Environmental Satellite Pm.
	Dir of Flight Projects.
	Tracking and Data Relay Satellite Tdrs Proj Mgr.
	Assoc Dir For Earth Sci Data and Info System.
	Proj. Mgr, Eos-Pm Proj Flight Proj Direct.
	Project Mgr, Earth Sci D and I Syst Project.
	Deputy Director Flight Projects for Plan and Bus Mgnt.
	Project Manager, Poes.
	Associate Director of Flight Projects for Eos.
	Associate Director/Program Manager for the Earth Explorers Program Office.
	Associate Director/Program Manager for the Sun-Earth Connection Program Office.
Applied Engineering and Technology Directorate	Deputy Asso Dir of Flight Proj Cor Net and Miss Serv Proj.
	Asso Dir of Flight Proj for Network and Miss Serv Proj.
	Deputy Director of Applied Eng and Technology.
	Chief Information Systems Center.
	Chief, Electrical Systems Center.
	Chief, Instrument Systems and Technology Center.
	Chief, Mission Engineering and Systems Analysis Division.
Systems, Technology and Advanced Concepts	Deputy Director of Systems, Tech and Advanced Concepts.
Space Sciences	Chief, Lab for Astronomy and Solar Physics.
	Chief, Lab for Extraterrestrial Physics.
	Director of Space Sciences.
	Chief, Goddard Institute for Space Studies.
	Chief Laboratory for High Energy Astrophysics.
	Deputy Director of Space Sciences.
Engineering	Chief Engineer
	Associate Director of Flight Projects.
	Chief, Mechanical System Center.
	Chief, Systems Engineering Division.
	Chief Technology Commercialization Office.
Earth Sciences	Chief Labr for Hydrospheric Processes.
	Chief, Space Data and Computing Division.
	Asst Dir of Earth Sci for Projects Eng.
	Chf, Laboratory for Atmospheres.
	Deputy Director for Earth Sciences.
	Director for Earth Sciences.
	Chief Laboratory for Terrestrial Physics.
	Deputy Assoc Dir For Earth Sci D and I Syst.
	Asst Dir of Mission to P/E Prog for Globe.
	Globe Program Manager.
Office of Policy and Plans	Director of Special Studies.
National Archives and Records Administration:	
Archivist of United States Deputy Archivist of the United States/ Chief of Staff.	Deputy Archivist of the United States.
Office of Administrative Services	Assistant Archivist for Administrative Serv.
Office of the Federal Register	Director of the Federal Register.
Office of Regional Records Services	Asst Archivist for Regional Records Services.
Office of Human Resources and Information Services	Asst Archivist for Human Resources and Info Ser.
Office of Records Services—Washington, DC	Asst Archivist for Records Services.
Office of Presidential Libraries	Asst Archivist for Presidential Libraries.
National Capital Planning Commission Staff	Executive Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Assistant Executive Director (Management) Deputy Executive Director. Deputy Executive Director. Chief Operating Officer. General Counsel. Deputy Executive Director.
National Endowment for the Arts:	
National Endowment for the Arts	Deputy Chairman for Guidelines, Panel and Council Operations. Deputy Chairman for Management and Budget. Chief Information Officer.
National Endowment for the Humanities:	
National Endowment for the Humanities	Assistant Chairman for Planning and Operations.
National Labor Relations Board:	
Office of the Board Members	Executive Secy Deputy Executive Secretary. Inspector General.
Division of Enforcement Litigation	Deputy Associate Gen. Counsel Appellate Court Br. Director, Office of Appeals.
Division of Advice	Associate Gen Counsel, Div of Advice. Deputy Assoc Gen Counsel.
Division of Administration	Director of Administration. Deputy Director of Administration Chief Information Technology Branch
Division of Operations Management	Assoc General Counsel, Div of Operation-Mgmt. Dep Asso Gen Counsel, Div of Operations-Mgmt. Assistant General Counsel. Assistant General Counsel. Assistant General Counsel. Assistant General Counsel. Assistant General Counsel.
Division of Operations Management	Asst to the General Counsel. Asst to the General Counsel.
Regional Offices	Regl Dir Reg 1 Boston. Regional Director, Reg. 2, New York. Regional Director, Reg. 3, Buffalo. Regl Dir Reg 4 Philadelphia. Regional Director, Reg. 5, Baltimore. Regional Director, Reg. 6, Pittsburgh. Regl Dir, Region 7, Detroit Mich. Regional Director, Reg. 8, Cleveland. Regional Director, Reg. 9, Cincinnati. Regl Dir, Reg 10 Atlanta. Regional Director, Reg. 11, Winston Salem. Regional Director, Reg. 12, Tampa. Regional Director, Reg. 13, Chicago. Regl Dir, Reg 14 St Louis. Regl Dir, Reg 15 New Orleans. Regl Dir, Reg 16 Ft Worth. Regl Dir, Reg 17 Kansas City. Regl Dir, Reg 18 Minneapolis. Regl Dir, Reg 19 Seattle. Regional Dir, Reg. 20, San Francisco. Regional Director, Reg. 21, Los Angeles. Regional Director, Reg. 22 Newark. Regional Director, Reg. 24 Hato Rey Puerto Rico. Regl Dir, Reg 25, Indianapolis. Regl Dir, Reg 26 Memphis. Regl Dir, Reg 27 Denver. Regional Director, Reg. 28 Phoenix. Regl Dir, Reg 29 Brooklyn. Regl Dir, Reg 30 Milwaukee. Regional Director, Reg. 32, Oakland. Regional Director, Reg. 33 Peoria, ILL. Regl Dir, Reg 31 Los Angeles. Regional Director, Reg. 34 Hartford.
National Science Foundation:	
Office of the Director	Senior Advisor. Senior Staff Associate. Senior Advisor. Senior Advisor.
Office of Integrative Activities	Senior Scientist. Senior Advisor.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
Office of the General Counsel	Deputy General Counsel.
Office of Polar Programs	Head Polar Research Support Section.
Office of the Inspector General	Inspector General.
	Deputy Inspector General.
	Associate Inspector General for Audit.
	Associate Inspector for Investigations.
National Science Board	Senior Policy Officer.
Division of Atmospheric Science	Head, Upper Atmosphere Section.
Division of Earth Sciences	Head, Special Projects Section.
	Head, Research Grants Section.
Division of Ocean Sciences	Head, Oceans Section.
	Senior Scientist/Section Head.
Directorate for Engineering	Senior Advisor.
Division of Engineering Education and Centers	Deputy Division Director (Education).
	Senior Staff Associate.
	Senior Engineering Advisor.
Division of Design, Manufacture and Industrial	Senior Advisor, Technology Integration
Innovation	Senior Advisor.
Division of Civil and Mechanical Systems	Senior Advisor.
Directorate for Biological Sciences	Deputy Assistant Director.
	Executive Officer.
Division of Environmental Biology	Deputy Division Director.
Division of Integrative Biology and Neurosciences	Deputy Division Director.
Directorate for Mathematical and Physical Sciences	Executive officer.
	Senior Science Associate.
	Senior Science Advisor.
Division of Physics	Executive Officer.
Division of Mathematical Sciences	Executive Officer.
Division of Materials Research	Executive Officer.
Directorate for Education and Human Resources	Deputy Assistant Director.
	Deputy Assistant Director for Integrative Activities.
Division of Research, Evaluation and Communication	Senior Advisor for Research.
Directorate for Social, Behavioral and Economic Sciences	Senior Advisor.
Division of International Programs	Deputy Division Director.
	Senior Staff Associate.
	Senior Advisor.
	Senior Staff Associate.
Directorate for Computer and Information Science and Engineering	Executive Officer, Deputy Assistant Director.
Office of Budget, Finance and Award Management	Director, BFA and CFO.
	Senior Advisor.
	Deputy Director—Management, Operations and Policy.
	Deputy Director-Planning, Coordination and Analysis.
	Senior Advisor.
Budget Division	Division Director.
Division of Financial Management	Division Director and Deputy CFO.
Division Grants and Agreements	Division Director.
Division of Contracts, Policy and Oversight	Division Director.
Office of Information and Resource Management	Deputy Director, OIRM and Deputy CIO.
Division of Information Systems	Deputy Director, Div of Information Systems.
Division of Human Resource Management	Division Director.
	Deputy Division Director.
Division of Administrative Services	Division Director.
	Deputy Division Director.
National Transportation Safety Board:	
Office of the Managing Director	Managing Director.
	Assoc Managing Dir Safety and Development.
	Assoc Managing Director for Quality Assurance.
Office of Aviation Safety	Director Ofc of Aviation Safety.
	Deputy Director. Tech and Inv Operations
Office of Research and Engineering	Dir Ofc of Research and Engineering.
	Deputy Dir Ofc of Research and Engineering.
Office of Chief Financial Officer	Chief Financial Officer.
Office of Safety Recommendations and Accomplishments	Dir Ofc of Safety Recommendations and Accomplis.
Office of Railroad, Pipeline and Hazardous Materials Investigations	Director, Office of Railroad, Pipeline and Hazardous Materials Investigation.
National Transportation Safety Board Academy	Director, NTSB Academy.
	President and Academic Dean.
Nuclear Regulatory Commission:	
Atomic Safety and Licensing Brd Panel	Chief Administrative Judge.
	Deputy Chief Administrative Judge (Executive).
Office of the Chief Information Officer	Deputy Director/Lss Admr, Ofc of Info Res Mgmt.
	Director, Applications Development Division.
	Director, Information, Records, and Document Management Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Director, Planning and Resource Mgmt Division.
	Director, Web Publishing and Distribution Services Division.
Office of the Chief Financial Officer	Director, Division of Planning, Budget and Analysis.
	Did not find title of this position.
	Special Assistant for Internal Controls.
	Deputy Chief Financial Officer.
Officer of the Chief Financial Officer	Director, Starfire Project.
Office of the Inspector General	Assistant Inspector General for Audits.
	Deputy Inspector General.
	Assistant Inspector General for Investigations.
Associate General Counsel for Licensing and Regulation	Deputy Assistant GC/Legislative Counsel.
Associate General Counsel for Hearings, Enforcement and Administration.	Deputy Assistant General Counsel for Administration.
Office of Commission Appellate Adjudication	Director, Office of Commission Appellate Adjudication.
	Director, Office of Commission Appellate Adjudication.
Office of Administration	Director, Division of Contracts.
	Director, Division of Administrative Services.
	Director, Division of Facilities and Security.
Office of Nuclear Security and Incident Response	Director, Division of Incident Response Operations.
	Deputy Director, Division of Incident Response Operations.
	Deputy Director, Office of Nuclear Security and Incident Response.
	Director, Division of Nuclear Security.
	Deputy Director, Division of Nuclear Security.
Office of Investigations	Deputy Director, Office of Investigations.
Office of Small Business and Civil Rights	Director, Office of Small Business and Civil Rights.
Office of Nuclear Reactor Regulation	Director, Program Management, Policy Development and Planning Staff.
	Director, Work Planning Center.
Division of Licensing Project Management	Project Director, Project Directorate I.
	Project Director, Project Directorate II.
	Project Director, Project Directorate III.
	Project Director, Project Directorate IV.
Associate Director for Inspection and Programs	Director, New Reactor Licensing Project Office.
Division of Inspection Program Management	Chief, Equipment and Human Performance Branch.
	Chief, Reactor Safeguards, Radiation Safety and Emergency Preparedness.
Division of Inspection Program management	Chief, Inspection Program Branch.
Division of Regulatory Improvement Programs	Chief, License Renewal and Standardization Branch.
	Chief, Events Assess, Generic Comm and Now—PWR Reactors Branch.
	Chief, Generic Issues, Envir, Financial and Rulemaking Branch.
	Chief, Technical Specifications Branch.
	Program Director, Operating Reactors Improvement Program.
	Program Director, License Renewal and Environmental Impacts Program.
	Program Director, Policy and Rulemaking Program.
Division of Engineering	Chief, Materials and Chemical Engineering Branch.
	Chief, Mechanical and Civil Engineering Branch.
	Chief, Electrical and Instrumentation and Controls Branch.
Division of System Safety and Analysis	Chf, Plant Systems Branch.
	Chf, Reactor Systems Branch.
	Chief Probablistic Safety Assessment Branch.
	Chief Containment Sys and Severe Accident Branch.
Division of Fuel Cycle Safety and Safeguards	Chief, Fuel Cycle Licensing Branch.
	Chief Special Projects.
	Chief, Safety and Safeguards Support Branch/
Division of Industrial and Medical Nuclear Safety	Chief, Operations Branch.
	Chief, Medical, Acad and Com Use Sfty Branch.
	Chief, Rulemaking and Guidance Branch.
	Chief, Materials Safety and Inspection Branch.
Division of Waste Management	Chief, Engineering and Geosciences Branch.
	Chief, Decommissioning Branch.
	Chirf, High—Level Waste Branch.
	Chief, Environmental and Performance Assessment Branch.
Spent Fule Project Office	Deputy Director, Licensing and Inspection Directorate.
	Deputy Director, Technical Review Directorate
Ofc of Nuc Regulatory Research	Dir, Program Mgmt, Policy Development and Analysis Staff.
Division of Engineering technology	Chief, Generic Safety Issues Branch.
	Chief, Elect, M and M Engineer Branch.
Division of Engineering Technology	Chief, Structural and Geological Eng Branch.
	Chief, Materials Engineering Branch.
	Chief, Engineering Research Applications Branch.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
Division of Systems Analysis and Regulatory Effectiveness	Chief, Regulatory Effectiveness and Human Factors Branch.
	Chief, Safety Margins and Systems Analysis Branch.
	Chief, Radiation Protection, Environmental Risk and Waste Management Branch.
	Deputy Director, Division of Systems Analysis and Regulatory Effectiveness.
Division of Risk Analysis and Application	Chief, Operating Experience Risk Analysis Branch.
	Chf, Probabilistic Risk Analysis Branch.
Region I	Deputy Regional Administrator.
	Dir, Div of Nuclear Materials Safety.
	Deputy Director, Division of Reactor Safety.
	Director Division of Reactor Safety.
	Director, Division of Reactor Projects.
	Deputy Director, Division of Reactor Projects.
	Deputy Director, Div of Nuclear Materials Safety.
Region II	Deputy Regional Administrator Region II.
	Dir, Div of Nuclear Materials Safety.
	Deputy Director, Division of Reactor Projects.
	Director, Division of Reactor Projects.
	Director, Division of Reactor Safety.
	Deputy Director, Div of Reactor Safety.
Region III	Director, Division of Reactor Safety.
	Director, Division of Reactor Projects.
	Dep Regional Administrator Region III.
	Dir, Div of Nuclear Materials Safety.
	Deputy Director, Division of Nuclear Materials Safety.
	Deputy Director, Division of Projects.
	Deputy Director, Division of Reactor Safety.
Region IV	Deputy Regional Administrator Region IV.
	Deputy Director, Div of Reactor Projects.
	Director Div of Reactor Projects.
	Dir, Div of Nuclear Materials Safety.
	Dir, Division of Reactor Safety.
	Deputy Director, Division of Reactor Safety.
Office of Government Ethics:	
Office of Government Ethics	Deputy Director.
	Deputy Director, for Government R and S Proejcts.
	Senior Assoc Director for Agency Programs.
Office of Management and Budget:	
Office of the Director	Chf—Reports Mgmt Branch.
	Deputy Associate Dir for Economic Policy.
	Senior Advisor to the Deputy Director for Management.
	Deputy Associate Director for Legislative Affairs.
	Deputy Assistant Director for Administration.
Legislative Reference Division	Asst Dir Legislative Reference.
	Chief, Economics, Science and Govt. Branch.
	Chief, Resources-Defense-International Branch.
	Chief, Labor, Welfare, Personnel Branch.
	Associate General Counsel for Budget.
Office of Federal Procurement Policy	Associate Administrator for Procurement Law and Legislation.
	Associate Administrator for Acquisition Implementation.
	Associate Administrator (Acquisition Policy).
Office of Information and Regulatory Affairs	Chief, Information Policy and Technology Branch.
	Senior Advisor.
	Chief Statistical Policy Branch.
	Counselor to the Deputy Director for Management.
	Senior Advisor.
	Senior Advisor.
	Chief, Natural Resources, Energy and Agriculture Branch.
	Chief, Health, Transportation and General Government.
Office of Federal Financial Management	Chief, Financial Standards, Reporting and Management Integrity Branch.
	Deputy Controller.
	Chief Federal Financial Systems Branch.
	Senior Advisor to the Director.
Budget Review Division	Deputy Assistant Director for Budget Review and Concepts.
	Dep Chief Budget Analysis Branch.
	Chief Budget Analysis Branch.
	Asst Dir for Budget Review.
	Deputy Assistant Director for Budget Analysis and Systems.
	Chief, Budget Concepts Branch.
	Chief, Budget Systems Branch.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Chief, Budget Review Branch.
International Affairs Division	Chief, State-USIA Branch.
	Chief, Economic Affairs Branch.
	Dep Assoc Dir for Internatl Affairs.
National Security Division	Chief, Command, Ctrl, Comms, and Intellig Branch.
	Chief, Force Structure and Investment Branch.
	Chief Veteran Affairs Branch.
	Dep Assoc Dir for National Security.
	Chief Operations Sup Branch.
Associate Director for Education, Income Maintenance and Labor	Chief, Labor Branch.
	Chief, Education Branch.
	Dep Assoc Dir for Ed, Income Maint and Labor.
	Chf, Income Maintenance Branch.
	Chief, Personnel, Portal, Exop Branch.
	Senior Advisor.
Transportation, Commerce, Justice and Services Division	D/A for Transp Commerce, Justice and Services.
	Chief Commerce Branch.
	Chief Transportation Branch.
	Chief, Justice/GSA Branch.
Housing, Treasury and Finance Division	Deputy Assoc Dir for Housing Treasury Finance.
	Chief, Treasury Branch.
	Senior Advisor for Cash and Credit Mgmt.
	Chief, Financial Institutions Branch.
	Chief, Housing Branch.
Associate Director for Natural Resources, Energy, and Science	Senior Advisor.
Natural Resources Division	Deputy Associate Director for Natural Resources.
	Chief, Agricultural Branch.
	Chief, Environment Branch.
	Chief Interior Branch.
Energy and Science Division	Chief, Water and Power Branch.
	Chief Science and Space Programs Branch.
	Chief, Energy Branch.
	Deputy Associate Director for Energy and Science Division.
Health Division	Deputy Associate Director for Health.
	Chief Health and Financing Branch.
	Chief, Health and Human Services Branch.
	Chief, Public Health Branch.
Office of Personnel Management:	
Office of the Director	Associate Director for Management and Chief Financial Officer.
Office of the Chief Financial Officer	Chief Financial Officer.
	Deputy Chief Financial Officer.
Office of the Inspector General	Deputy Inspector General.
	Asst Inspector General for Audits.
	Assistant Inspector Gen for Investigations.
	Deputy AIG for Audits.
Office of Workforce Relations	Director, Office of Workforce Relations.
	Dir Office of Labor and Employee Relations.
	Director for Human Resources Development.
Investigations Service	Assistant Director for Operations.
Office of the Chief Information Officer	Chief Information Officer.
Office of Contracting and Administrative Services	Director of Contracting and Administrative Serv.
Office of Merit Systems Oversight and Effectiveness	Assistant Director for Merit Systems Oversight.
Retirement and Insurance Service	Asst Dir for Retirement Programs.
	Director, Office of Actuaries.
Office of Special Counsel:	
Headquarters, Office of Special Counsel	Assoc Special Counsel (Prosecution).
	Assoc Spec Counsel (Investigation).
	Associate Spec Counsel for Investigation and Prosecution Division III.
	Assoc Special Counsel for Complaints and Disclosure Analysis.
	Director for Management.
	Assoc Special Counsel Planning and Oversight.
	Did Not Find Title for This Position.
Railroad Retirement Board:	
Board Staff	Chief of Technology Service.
	Director of Hearings and Appeals.
	Chief Actuary.
	Director of Field Service.
	Director of Administration.
	Deputy General Counsel.
	Asst Inspector General for Investigations.
	Chief Financial Officer.
	Assistant Inspector General for Audit.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Director of Taxation.
	General Counsel.
	Director of Programs.
	Chief Information Officer.
	Dir of Operations.
	Dir of Policy and Systems.
	Director of Fiscal Operations.
Securities and Exchange Commission:	
Office of the Executive Director	Associate Executive Director (Finance).
	Associate Executive Director (Administration).
Division of Corporation Finance	Associate Director (Operations).
	Associate Director (Legal).
Office of Compliance Inspections and Examinations	Senior Adviser.
Selective Service System:	
Office of the Director	Director for Operations.
Small Business Administration:	
Office of the Inspector General	Asst Inspector General for Auditing.
	Asst Inspector General for Investigations.
	Counsel to the Inspector General.
	Deputy Inspector General.
	Assistant Inspector Gen/Inspection and Eval.
	Asst Inspector General for Magnt Legal Cousl.
	Assistant Inspector General for Inspections and Evaluation.
Office of the General Counsel	Associate General Counsel for General Law.
	Assoc Gen Counsel Litigation.
	Associate General Counsel for Procurement Law.
Office of Field Operations	District Director.
	District Director.
	District Director.
	District Director.
	District Director.
	District Director.
	District Director.
	District Director.
Office of Equal Employment Opportunity and Civil Rights Compliance.	Asst Admr for Equal Employment Opportunity and Civil Rights Compliance.
Office of Hearings and Appeals	Asst Administrator for Hearings and Appeals.
Office of the Chief Financial Officer	Deputy Chief Financial Officer.
	Deputy Chief Financial Officer.
	Chief Financial Officer.
Office of Capital Access	Deputy to the Assoc Dep Administrator for Capital Access.
Office of Financial Assistance	Assoc Administrator for Financial Assist.
	Dep Assoc Admr for Financial Assistance.
	Asst Admr for Portfolio Management.
Office of Surety Guarantees	Assoc Administrator for Surety Guarantees.
Office of Entrepreneurial Development	Deputy to the ADA for Entrepreneurial Dev.
Office of the Chief Information Officer	Chief Information Officer.
Office of Human Resources	Chief Human Capital Officer.
Office of Government Contracting and Business Development	Associate Administrator for Business Development.
Office of Business Development	Associate Administrator for Business Development.
Office of Policy, Planning and Liaison	Associate Administrator for Procurement Policy and Liaison.
Social Security Administration:	
Office of the Chief Information Officer	Dir Information Technology System Review Stf.
Office of the Inspector General	Deputy Inspector General.
	Counsel to the Inspector General.
Office of Investigations	Asst Inspector General for Investigations.
	Dep Asst Inspector General for Investigations.
Office of Audits	Asst Inspector Gen for Audits.
	Dep Asst Inspector General for Audits.
Office of Executive Operations	Assistant Inspector General for Executive Operations.
Office of Disability Determinations	Associate Commissioner for Disability Determinations
	Deputy Associate Commissioner for Disability Determinations
	Dep Asst Inspector General for Audits.
Office of Hearings and Appeals	Assoc Comm for Hearing and Appeals.
	Deputy Assoc Comr for Hearings and Appeals
	Executive Director, Ofc of Appellate Operations.
Office of Actuary	Chief Actuary.
	Deputy Chief Actuary (Long-range).
	Deputy Chief Actuary (Short-Range).
Office of Civil Rights and Equal Opportunity	Deputy Associate Commissioner for Civil Rights and Equal Opportunity.
Office of Labor-Management and Employee Relations	Associate Commissioner for Labor-Management and Employee Relations.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
Office of Finance, Assessment and Management	Senior Financial Executive.
Office of Financial Policy and Operations	Assoc Comr, Office of Fin Policy and Operations.
	Dep Assoc Comm Financial Policy and Operations.
Office of Quality Assurance and Performance Assessment	Assoc Commr for Quality Assurance and Performance Assessment.
	Dep Assoc Commr For Quality A and P Assessment.
Office of Acquisition and Grants	Assoc Commissioner for Acquisition and Grants.
Office of Telecommunications and Systems Operations	Assoc Comm for Telecommunications and Sys Oper.
	Deputy Associate Commissioner for Tandso.
	Dep Assoc Commr for T and S Ops (Telecomm).
Office of the General Counsel	Executive Director for Public Disclosure.
Office of General Law	Associate General Counsel for General Law.
Department of State:	
Office of the Inspector General	Assistant Inspector General for Audits.
	Asst Inspector General for Investigations.
	Counsel to the Inspector General.
	Dep Asst Inspector General for Audits.
	Dep Asst Inspector Gen for Inspections.
	Deputy Inspector General.
	Asst Inspector Gen for Security Oversight.
	Senior Inspector—Thematic Review.
	Assistant Inspector General for Audits.
Bureau of Intelligence and Research	Executive Director.
Bureau of International Organizational Affairs	Director, Office of International Conferences.
Office of Under Secy for Management	Principal Deputy Assistant Secretary.
Bureau of Administration	Director, Office of Acquisitions.
Bureau of Personnel	Human Resources Officer.
	SES Long Term Training.
Bureau of Arms Control	Office Director.
	Office Director.
	Office Director.
	Office Director.
Bureau of Arms, Control	Deputy Assistant Secretary.
	Director, Office of Strategic Negotiations and Implementation.
Bureau of Nonproliferation	Office Director.
Department of Transportation:	
Assistant Secretary for Budget and Programs	Deputy Chief Financial Officer.
Assistant Secretary for Administration	Asst Secy for Administration.
Office of the Senior Procurement Executive	Senior Procurement Executive.
Office of Inspector General	Deputy Inspector General.
	Assistant Inspector General for Legal, Legislative and External Affairs.
Principal Assistant Inspector General for Auditing and Evaluation	Asst Inspector General for Audit.
	Dep Asst Inspector General for Auditing.
Assistant Inspector General for Financial and Information Technology Audits.	Assistant Inspector General for Financial and Information Technology Audits.
Assistant Inspector General for Aviation Audits	Asst Inspector General for Aviation Audits.
Assistant Inspector General for Investigations	Asst Inspector General for Investigations.
	Dep Asst Inspector General for Investigations.
Assistant Inspector General for Highway Infrastructure and Safety Programs.	Assistant Inspector General for Highway Infrastructure and Safety Programs.
Assistant Inspector General for Transit, Rail Safety and Maritime Programs.	Assistant Inspector General for Transit, Rail Safety and Maritime Programs.
Assistant Inspector General for Competition and Economic Analysis.	Assistant Inspector General for Competition and Economic Analysis.
Associate Administrator for Safety	Assoc Admr for Safety.
Office of Safety Assurance and Compliance	Director, Office of Safety Assurance and Compliance.
Associate Administrator for Pipeline Safety	Assoc Admr for Pipeline Safety.
Associate Administrator for Ship Analysis and Cargo Preference	Assoc. Admr for Ship Analysis and Cargo Preference.
Associate Administrator for Shipbuilding	Director, Office of Shipbuilding and Marine Technology.
Administrator	Executive Director.
Office of Real Estate Service.	Dir Ofc of Real Estate Services.
Safety	Associate Administrator for Safety.
Office of Budget and Finance	Dir Ofc of Budget and Finance.
Office of Acquisition Management	Director, Office of Acquisition Management.
Office of Safety Research and Development	Director, Office of Safety R and D.
Administrator	Assistant Administrator/Chief Safety Officer.
Office of Bus and Truck Standards and Operations	Director, Office of Bus and Truck Standards and Operations.
Office of Enforcement and Compliance	Director, Office of Compliance.
Associate Administrator for Enforcement	Associate Administrator for Enforcement.
	Director, Office of Defects Investigation
	Director, Office of Vehicle Safety Compliance.
Associate Administrator for Safety Assurance	Associate Administrator for Safety Assurance.
Office of Defects Investigation	Dir—Ofc of Defects Investigation.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
Office of Vehicle Safety Compliance	Dir—Ofc of Vehicle Safety Compliance.
Chief of Staff	Director of Finance and Procurement.
Deepwater Program Executive Office	Deputy Program Executive Officer.
Office of the Assistant Commandant for Acquisition	Deputy Assistant Commandant for Acquisition.
Proceedings	Deputy Director—Legal Analysis.
Economic Environmental Analysis and Administration	Director of Economics, Environmental A and A.
Office of the Administrator	Senior Advisor.
Department of the Treasury:	
Under Secretary for Domestic Finance	Director, Office of Procurement.
Fiscal Assistant Secretary	Fiscal Assistant Secretary.
	Deputy Assistant Secretary for Fiscal Operations and Policy.
	Deputy Assistant Secretary (Accounting Policy).
Financial Management Service	Director, Regl Fin Ctr (San Francisco).
	Director, Regl Fin Ctr (Austin).
	Director, Platform Services Directorate.
	Assistant Commissioner, Governmentwide Accounting.
	Director, Kansas City Financial Center.
	Commr of Financial Management Service.
	Asst Commissioner, Information Resources.
	Assistant Commissioner, Federal Finance.
	Director Operations Group.
	Dep Com Financial Management Service.
	Director Cash Management Directorate.
	Director, Birmingham Debt Management Operations Center.
	Assistant Commissionrt, Regional Operations.
	Asst Comr, Management (Chief Fin Ofcr).
	Director, Systems Management Directorate.
	Assistant Commissioner (Agency Services).
	Assistant Commissioner, Financial Operations.
	Deputy Director, Operations Directorate.
	Director, Asset Management Directorate.
	Assistant Commissioner Debt Management Ser.
Bureau of the Public Debt	Commissioner.
	Dep Commr of the Public Debt.
	Asst Commr (Financing).
	Executive Director (Administrative Resource Center).
	Executive Director.
	Assistant Commissioner, Office of Securities Operations.
	Assistant Commissioner, Office of Investor Services.
	Assistant Commissioner (Office of Information Technology).
	Executive Director, Marketing.
	Asst Commissioner (Public Debt Accounting).
Assistant Secretary (Enforcement)	Deputy Director, Financial Crimes Enforcement Network.
	Director Fincen.
	Executive Assistant Director, Fincen.
	Dir Exe Ofc for Asset Forfeiture.
Bureau of Alcohol, Tobacco and Firearms	Special Agent in Charge (NY Field Division).
	Spec Agen in Charge (Washington Field Div).
	Assistant Director (Inspection).
	Deputy Assistant Director (Liaison and Public Information).
	Division Director/Special Agent in Charge.
	Division Director/Special Agent in Charge.
	Division Director/SAC, Atlanta.
	Dep Assoc Dir Reg Enforcement Field Operation.
	Deputy Asst Director (Inspection).
	Division Director/Special Agent in Charge.
	Deputy Asst Dir (CE Field Operations)—East.
	Deputy Assistant Director (CE Field Operations)—Central.
	Asst Dir (Science and Technology).
	Asst Dir (Field Operations).
	Associate Chief Counsel (Admin and Ethics).
	Deputy Assistant Director (CE Field Operations)—West.
	Deputy Asst Dir (Science and Technology).
	Director Laboratory Services.
	Deputy Director.
	Division Director—Special Agent in Charge—Chicago.
	Asst Dir (Alcohol and Tobacco).
	Deputy Assistant Director (Recruitment/Hiring).
	Deputy Asst Director (Alcohol and Tobacco).
	Deputy Assistant Director (Firearms Explosives Arson).
	Assistant Director (Firearms, Explosives, and Arson).
	Asst Dir (Liaison and Public Information).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Chair, Professional Review Board.
	Division/Special Agent in Charge, New York.
United States Customs Service	Asst Commission for Internal Affairs.
	Associate Chief Counsel (Miami).
	Associate Chief Counsel (Chicago).
	Associate Chief Counsel (New York).
	Dir Ofc of Regulatory Audit.
	Special Agent in Charge, Miami.
	Associate Chief Counsel Enforcement.
	Assoc Chief Counsel (Trade Tariff and Leg).
	Associate Chief Counsel (Houston).
	Dir, Applied Technology.
	Special Agent In Charge—New York.
	Special Agent In Charge—Los Angeles.
	Deputy Assistant Commissioner, Human Resources.
	Deputy Assistant Commissioner, Internal Affairs.
	Regional Special Agent In Charge (SAIC).
	Regional Special Agent In Charge (SAIC).
	Regional Special Agent In Charge (SAIC).
	Deputy Assistant Commissioner, Office of Training and Development.
	Executive Director, Communications Management.
	Director, Asset Acquisition and Management.
	Executive Director, Labor and Employee Relations.
	Director, Office of Trade Compliance.
	Director, Field Operations, New York.
	Area Div, Newark.
	Dir Customs Management Center N Atlantic.
	Asst Commissioner, Field Operations.
	Asst Commissioner, Regulations and Rulings.
	Dir Strategic Trade Center Chicago.
	Deputy Asst Commissioner (Investigations).
	Assoc Chief Counsel (Administration).
	Associate Chief Counsel (Los Angeles).
	Area Director, JFK Airport.
	Asst Commissioner Chief Information Officer.
	Special Agent In Charge (New Orleans).
	Assistant Commissioner, Public Affairs.
	Port Director, Los Angeles International Airport.
	Executive Director, Equal Employment Program.
	Asst Coimmissioner, Investigations.
	Director Strategic Trade Center—Plantation.
	Dir Laboratories and Scientific Services.
	Project Executive.
	Deputy Assistant Commissioner, Field Operations.
	Director, Field Operations, El Paso.
	Director, Passenger Programs.
	Director, Field Operations—Houston.
	Executive Director, Field Programs.
	Exec Dir the Interdiction Committee.
	Assistant Commissioner, Finance.
	Executive Director, Mission Support Service.
	Dir Tariff Classification Appeals Division.
	Dir Strategic Trade Center Long Beach.
	Director, Field Operations—Miami.
	Deputy Assistant Commissioner, International Affairs.
	Director, US Customs Academy.
	Director, Terrorist Financial Investigations.
	Director, Ofc of Air Interdiction.
	Dir Customs Management Center—S California.
	Dir Office of Planning.
	Director, Strategic Trade Center Operations.
	Director, Intelligence and Communications Division.
	Director, Software Development.
	Director, Budget Division.
	Director Field Operations—Chicago.
	Executive Director, South West Border Coordination.
	Special Agent in Charge.
	Dir Customs Management Center South Pacific.
	Executive Director, Field Operations.
	Special Agent in Charge, Houston.
	Director, Administration Policy and Planning.
	Asst Commissioner, Strategic Trade.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Special Agent in Charge, Chicago. Special Agent-In-Charge (San Diego). Director, Field Operations—W. Great Lakes. Special Agent in Charge—San Antonio. Asst Commissioner, Human Resources Mgmt. Regional Special Agent in Charge. Port Director, Miami. Director, Field Operations—Seattle. Associate Executive Director, East. Assistant Commissioner, Office of Training and Development. Director, Field Operations, Laredo. Director, Infrastructure Division. Director, Management Inspection. Executive Director, Investigation Programs. Associate Executive Director, Central. Deputy Chief Financial Officer. Special Agent in Charge—El Paso. Special Advisor (Enforcement). Director, Field Operations—Buffalo.
Secret Service	Director of the Secret Service. Deputy Director U.S. Secret Service. Asst Director, Investigations. Asst Dir (Protective Operations). Asst Dir (Protective Research). Assistant Director, Administration. Assistant Director, Inspection. Deputy Assistant Director, (Protective Operations). Spec Agent in Charge—Presidential Protective. Special Agent in Charge, New York Office. Special Agent in Charge, Chicago. Special Agent in Charge, Los Angeles Office. Deputy Assistant Director (Operations). Assistant Director—Training. Asst Director—Govt Liaison and Public Aff. Spec Agent in Charge—VP Protect Div. Spec Agent in Charge—Tech Sec Div. Spec Agent in Charge—Intelligence Div. Spec Agent in Charge—Washington Field Office. Spec Agent in Charge—Philadelphia Field Office. SPC Agent in Charge San Francisco Office. Special Agent in Charge, Dallas Field Office. Deputy Chief Counsel. Deputy Assistant Director, Government Liaison and Public Affairs. 2002 Winter Olympics Coordinator. Deputy Special Agent in Charge, Protective Operations (Tactical Operations). Deputy Asst Dir Investigations. DAD—Administration. Deputy Special Agent in Charge Pres Prot Div. DAD (Uniformed Forces, F and E Dev), Ofc Trng. Dep Special Agent in Charge—Ppd White House. Deputy Assistant Director Investigations. Special Agent in Charge—Houston Field Ofc. Deputy Assistant Director, Rowley Training Center. Special Agent in Charge, Paris. Deputy Assistant Director (Chief Technology Officer). Deputy Asst Director Office of Inspection. Spec Agent in Charge—Miami Field Office. Deputy Special Agent in Charge—VP Prot Div. Deputy Assistant Director Protective Operations. Chief, Information Resources Management Division. Deputy Assistant Director (Homeland Security). Spec Agent in Charge—Atlanta Field Office. Deputy Asst Dir Protective Operations. Special Agent in Charge.
Office of the Inspector General	Dep Asst Inspector Gen for Audit (Fin Mgmt). Dep Insp Gen Investigation (DAIGI). Counsel to the Inspector General. Assistant Inspector General for Management Services. Assistant Inspector General for Audit. Dep Asst Inspect General for Audit Prog Audit. Asst Inspector General for Investigations.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
Office of the General Counsel	Chief Counsel.
Inspector General for Tax Administration	Deputy Associate Inspector General for Investigations.
	Assistant Inspector General for Management Services.
	Deputy Inspector General for Investigations.
	Assistant Inspector General for Audit (Hq Operations).
	Counsel to the Treasury Inspector General for Tax Administration.
	Assistant Inspector General for Audit (Wage and Investment).
	Assistant Inspector General for Audit (Small Business and Corporate Entities).
	Deputy Inspector General for Audit.
	Assistant Inspector General for Information Technology.
	Assistant Inspector General for Investigation (Investigative Support).
	Assistant Inspector General for Investigations (Field Operations).
Assistant Secretary (Economic Policy)	Sr Economist.
Assistant Secretary (Tax Policy)	Dir (Economic Mod and Computer Applications).
Assistant Secretary (Management)	Deputy Chief Financial Officer.
United States Mint	Associate Director, Information Resources/CIO.
	Associate Director for Circulating.
	Associate Director for Sales and Marketing.
	Assoc Dir for Pol and Mgmt, Chf Fin Officer.
Internal Revenue Service	Regional Commissioner, Southeast.
	District Dir, Los Angeles.
	District Dir, Manhattan.
	District Director, Georgia.
	Dir Martinsburg Computing Center.
	District Director, Ohio.
	Assistant District Director, N California.
	Chief EEO and Diversity.
	Director, Technical Contract Management Division.
	Director, Submission Processing Division.
	Director, Complaint Processing and Analysis Group.
	Assistant to the Commissioner.
	Director, Workforce Relations.
	Director of Research.
	Director, Compliance.
	Director of Compliance, Atlanta—W and I.
	Deputy Director, General Appeals.
	Area Director, Stakeholder, Partnership, Education and Communication.
	Project Director—BSMO.
	Compliance Services Field Director.
	Senior Advisor to the Commissioner.
	Director, Leadership and Organizational Development—NHQ.
	Director, National Customer Research Study.
	Deputy CFO Finance.
	Director, National Public Liaison.
	Special Agent in Charge, New York.
	Special Agent in Charge, Chicago.
	Deputy Director, Personnel Services.
	Project Director.
	Director, Field Operations—Fin Srvc and Healthcare.
	Director, Field Operations—Fin Srvc and Healthcare.
	Deputy Director, Strategy, Research and Program Planning.
	Director, Reporting Compliance—SBSE.
	Director, Centralized Workload Selection and Delivery—SBSE.
	Director, Compliance Los Angeles Area Office—SBSE.
	Director, Compliance New York Area Office—SBSE.
	Director, Human Resources—SBSE.
	Director, Filing and Payment Compliance—SBSE.
	Project Director.
	Director, Business Systems Planning.
	Accounts Management Field Director, Atlanta, W and I.
	Area Director, Field Assistance (San Francisco)—W and I.
	Director, Remote Shared Serviced Division.
	Transition Executive for Strategy, Criminal Investigation.
	Transition Executive for Operations, Criminal Investigation.
	Project Manager, Service Center Transition—W and I.
	Director, Competitive Sourcing.
	Commissioner, Tax Exempt and Government Entities Division.
	Director, Exempt Organizations Examinations.
	Director, Facilities Operations—AWSS.
	Director, Service Center Operations.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Asst Deputy Commissioner (Modernization).
	Director, Customer Support—AWSS.
	Director, Compliance Area, Laguna Niguel—SBSE.
	Director, Retailors, Food and Pharmaceuticals.
	Project Director.
	Director, Taxpayer Education Area, Brooklyn—SBSE.
	Director, Compliance Area.
	Director, Taxpayer Education Area, Dallas—SBSE.
	Director of Field Operations (Central Area)—CID.
	Director, Quality Assurance and Performance Management.
	Director, Revenue Accounting.
	Project Director.
	Director, Tax Forms and Publications—W and I.
	Director, Legislative Affairs Division.
	Director, Statisctics of Income.
	Director, Electronic tax Administration—W and I.
	Submission Processing Field Director, Mephis.
	Director, Field Operations—Retailers, Food, and Pharmaceuticals.
	Deputy Division Commissioner, Large and Mid-Size Business.
	Director, Compliance Area, St. Paul—SBSE.
	Director, Government Entities.
	Director, Field Assistance Area (Greensboro) W and I.
	Director, Taxpayer Education Area, Nashville—SBSE.
	Compliance Service Field.
	Director, Management and Finance, SBSE.
	Division Information Officer—SBSE.
	Director, Criminal Investigation Modernization—CID.
	Special Agent in Charge, Los Angeles.
	Director, Field Assistance Area (Phoenix)—W and I.
	Director, Compliance Are, Denver—SBSE.
	Assistant District Director—New Jersey.
	Deputy Director, Strategic Human Resources.
	Project Director.
	Deputy Director, International.
	Director, Field Assistance Area, Hartford—W and I.
	Director, Compliance Services—SBSE.
	Privacy Advocate.
	Director, Taxpayer Education Area, Baltimore—SBSE
	Director, Enterprise Operations.
	District Director, Central California.
	National Director of Appeals.
	Director, Appeals—LMSB.
	Project Director, San Francisco—Appeals.
	Director of Support Services, Northeast.
	Chief Compliance.
	Asssistant Inspector General for Audit (Information Systems Programs).
	Area Director of Information Technology—Western
	Compliance Services Field Director.
	Dir of Investigations, Central Area of OPS.
	Deputy Executive Officer for Customer Service.
	Chief Communications and Liaison.
	Special Assistant to Chief, Management and Finance.
	Director of Procurement.
	Dean School of Information Technology.
	Project Director.
	Director, Tax Administration Modernization.
	Accounts Management Field Director—Fresno, W and I.
	Director, Strategic Planning—Spec, W and I.
	Director, Reporting Compliance.
	Assistant Deputy Director Compliance Field Operations.
	Director, Strategy Research, and Program Planning-LMSB.
	Director, Taxpayer Education Area, Cincinnati—SBSE.
	Director, Strategy, Research and Performance Management.
	Director, Customer Applications Development Management Division.
	Deputy Commissioner (Operations).
	Director, Compliance Area, Baltimore—SBSE.
	Director, Field Operations—Retailers, Food and Pharm.
	Director, Stakeholder, Partnership, Education and Communication—W and I.
	Director, Employee Plans.
	Director, Electronic Crimes Program Officer.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Deputy National Taxpayer Advocate. Project Director, Joint Transition Planning Team Leader. Director, learning and Education. Chief, Criminal Investigation. Director, Systems Engineering and Integration—BSMO. Director, Statistics of Income. Area Director, Spec—Hrtford—W and I. Director of Research, W and I. Natl Dir, Submission Processing Division. Director, Field Assistance—W and I. Director, Submission Processing (Cincinnatti)—W and I Area Director, Partnership, Education and Communication Director, Submission Processing Center, Fresno. Accounts Management Field Director, Brookhaven. Accounts Management Field Director, Cincinnati. Accounts Management Fidle Director—Odgen. Accounts Management Field Director, Austion—W ANDI Area Director Information System Technology (Southeast). Deputy Chief, Appeals. Deputy Director, Management and Finance, SBSE. Area Director, Stakeholder Partnership Education and Communication. Director, Systems Support Division. Compliance Services Field Director. Executive Director, Modernization Design. Director, Field Operations. Director, Field Operations. Director, Compliance Are—Detroit—SBSE. Director, of Field Operations (Miid-Atlantic Area). Project Director. Director, Compliance Area, Chicago—SBSE. Director, Exam, Strategy and Selection—W and I. Deputy Director, Field Specialists—LMSB. Submission Processing Field Director—Fresno, CA Project Director. Area Director of Information Technology, NE. Director, Compliance Area, Oakland—SBSE. Deputy Director, End User Equipment & services. Director, Operations Policy and Support—CID. Director, Tennessee Computing Center. Director of Field Operations (Pacific Area)—CID. Director, Refund Crimes. Director, Strategy—CID. Deputy Chief, Criminal Investigation. Associate Director, Facilities Operations. Director, Regional Commissioner, Midstates. District Director, S Florida. project Director. Director, Natural Resources Industry—LMSB. Director, product Assurance Division. Director, Compliancd Area, Philadelphia—SBSE. Director, Field Operations, Communications, Technology and Media, LMSB. Director, Deputy Director, Compliance Services—Small Business. Director, Program and Prject Management Division. Dep Chief Info Officer (Info Resources Mgmt). Director, Field Assistance Are, Indianapolis—W and I. Director, Submission Processing Center—Austin. Director, Field Operations (Natural Resources), Houston. Director of Field Operations (Midstates Area)—CID. Assistant Commissioner (Customer Service). National Director, Strategic Planning and Client Services. Project Director, BSMO. Dean School of Taxation. Director, Program Analysis Customer Account Services—W and I. Director, Field Operations—Heavy Manufacturing, Construction, and Transportation. Deputy Associate Commissioner for Program Management. Director, Learning and Education. Director, Internal Management Systems Development Division. Director, Office of Program Eval and Risk Analysis. Director, Field Assistance Area. Project Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Director, Communications.
	Project Director.
	Director, Business Systems Planning—LMSB.
	Deputy Director, Prefiling and Technical Guidance.
	Director, Compliance Area, Jacksonville—SBSE.
	Director, Taxpayer Education Area, Denver—SBSE.
	Dir Office of System Standards and Evaluation.
	District Director, S California.
	Accounts Management Field Director.
	Director of Field Operations, North Atlantic Area—CID.
	Director, Data Management Modernization.
	Director, Field Operations (Heavy Manufacturing), Laguna Niguel.
	Director, Strategy, Research and Performance Management, SBSE.
	Deputy Chief, Management and Finance.
	Project Director.
	Director, Field Operations, Spec—Wandi.
	Director Customer Account Services, SBSE.
	Director of Field Operations—CID, N. Atlantic.
	Director, Program Filing and Payment Compliance—SBSE.
	Project Director.
	Project Director—LMSB.
	Project Director.
	Project Director, CIO.
	Director, Infrastructure Modernization Project Office.
	Director, Program and Project Coordination.
	Director, General Appeals.
	Director, Field Assistance Area, St. Louis—W and I.
	Director, Case Management—SBSE.
	Project Director.
	Director, Cyber Security Operations.
	Accounts Management Field Director—Andover.
	Project Director.
	Submission Processing Field Director.
	Director, Field Assistance Area, New Orleans, Wandi.
	Deputy Chief Information Officer (Systems).
	Director, Employee Plans Examination.
	National Dir, Collection Field Operations.
	Compliance Service Field Director—Atlanta.
	Submission Processing Field Director—Philadelphia.
	Director, Compliance—W and I.
	Director, Field Operations.
	Director, Business Systems Planning—LMSB.
	Project Director.
	Director, Field Operations—Heavy Manufacturing.
	Director, Communication, Assistance, Research and Education.
	Director, Compliance Area, Nashville—SBSE.
	Submission Processing Field Director, Austin—W and I.
	Submission Processing Field Director—Brookhaven.
	Accounts Management Field Dir, Kansas City—Wandi.
	Regional Commissioner, Western.
	Director, Corporate Processing Division.
	Director, Application, Analysis and Programming—OITS.
	Asst to the Senior Dep Commissioner.
	Director, Strategic Human Resources.
	Director, Tax Exempt Bonds.
	Director, Facilities Operations.
	Director, Submission Processing/ETA Systems Division.
	Director, Human Resources, Wages and Investment.
	Director, Financial Services and Healthcare Industry.
	Director, Strategy and Finance—W and I.
	Director, Appeals—SB/SE and TE/GE.
	Deputy Commissioner, Small Business/Self Employed Division.
	Deputy Director, Taxpayer Education and Communication, SBSE.
	Deputy Program Executive for Organizational Performance Management.
	Deputy Division Commissioner, Tax Exempt and Government Entities.
	Deputy Director, Procurement.
	Deputy CIO (Operations).
	Director, Exempt Organizations.
	Deputy Director, Accounts Management.
	Director, Case Management, SBSE.
	Deputy Director, Submission Processing.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	District Director, South Texas. Director, Compliance Services. Director, Office of Security Evaluation and Oversight. Director, Administrative Accounting. Deputy Asst Commissioner (International). Director, Business Systems Planning. Director, Business Systems Development—OITS. Project Director. Director, Internal Management Modernization. Director, Pre-Filing and Technical Guidance—LMSB. Deputy Director, Compliance, SBSE. Director, Business Systems Requirements. Director, Compliance, SBSE. Deputy Director, Appeals. Deputy Director, Pre-Filing and Technical Guidance. Director, Collection Strategy—Wandi. Director, Strategy and Finance. Director, Electronic Program Operations—Wandi. Director, Research, Analysis and Statistics of Income. Executive Director Modernization Design. Project Director, BSMO. Director, Office of Tax Administration. Submission Processing Field Director-Ogden, SB/SE. Project Director. Director, Martinsburg Computing Center. Chief, Security Services. Project Director. Transition Executive for Shared Services. Director, Finance and Administrative System Division—CIO. Director, Filing Systems Division. Project Director. Project Director. Deputy Director, Systems Development. Project Director—SBSE. Compliance Service Field Director—Philadelphia. Director, Compliance Area, Baltimore—SBSE. Director, Management and Support. Director, Enterprise Systems and Asset Management. Director, Field Assistance Area. Submission Processing Field Director—Atlanta. Submission Processing Field Director—Austin. Director, Mission Assurance. Director, Release Management. Director, Heavy Manufacturing, Transportation and Construction Industry. Director, Multimedia—W and I. Director, Strategic Planning and Program Management. Director, Accounts Management—W and I. Deputy Associate Commissioner, Systems Integration—BSMO. Director, Compliance Area. Area Director, Spec, Dallas—W and I. Director, Product Assurance. Chief, Management and Finance, LMSB. Director, Safety and Security. Accounts Management Field Director—Memphis. Modernization Team Executive. Chief Financial Officer. Deputy Director, Business Systems Development Division. Chief, Compliance, Western. Director, Personnel Policy. Director, Field Specialists—LMSB. Deputy Chief Operations. Director, Customer Account Manager (CAM). Director, Real Estate and Facilities Management. Director, Field Operations (Financial Services), Laguna Nigules. Submission Processing Field Director—Cincinnati. Deputy Director, Enterprise Operations Services. Director of Field Operations, New York—LMSB. Compliance Service Field Director, Ogden—W and I. Director, Exempt Organizations, Rulings and Agreements. Project Director—Appeals. Program Executive for Organization Performance Management.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Director, Procurement.
	Chief Information Technology Services.
	Deputy Director, Business Systems Modernization.
	Director, Professional Responsibility.
	Project Director.
	Project Director.
	Director, Security Policy, Support and Oversight.
	Associate CFO for Internal Financial Management—NHQ.
	Executive Director Modernization Design.
	Director, Taxpayer Education and Communication Area, St Louis—SBSE.
	Project Director.
	Director, Compliance Area—Denver, SB/SE.
	Deputy Director, Strategic Planning and Client Services—IS.
	Director, Compliance Area, Dallas—SBSE.
	Director, Personnel Services.
	Director, Pre-Filing and Technical Guidance.
	Compliance Service, Field Diretor—Atlanta.
	Commissioner Wage and Investment Division.
	Deputy CFO, Strategic Planning and Budget.
	Director, Strategic Services.
	Director, Research and Management System Division—CIO.
	Project Director.
	Senior Counselor to the Commissioner (Tax Administration, Practice and Professional Responsibility)
	Deputy Associate Commissioner Business Integration.
	Electronic Tax Administration Modernization Executive
	Director, Compliance Area.
	Director, Communications, Technology and Media Industry, LMSB.
	Executive Director, Systematic Advocacy—NTA.
	Division Information Officer—LMSB.
	Director, Corporate Systems Division.
	Compliance Service Field Director—Andover, W and I.
	Director, Human Resource Policy and Programs, IS
	Director, Detroit Computing Center.
	Director, Systems Division.
	Director, Media and Publications.
	Director, Customer Account Services, W and I.
	Project Director—W and I.
	Compliance Service Field Director—Kansas City.
	Deputy Director, Submission Processing—Cincinnati—Small Business.
	Project Director.
	Director, Portfolio Management, OITS.
	Deputy Chief, Agencywide Shared Services.
	Deputy Director, Procurement.
	Director, Telecommunications.
	Director, Electronic Program Enhancement—W and I.
	Accounts Management Field Director.
	Director, Speciality Tax and Technical Support—SBSE.
	Director, Business Systems Planning—SBSE.
	Director, Compliance—Detroit—SBSE.
	Area Director, Stakeholder, Partnership, Education and Communications—New Orleans.
	Director, Taxpayer Education Area, Chicago—SBSE.
	Director, Financial Policy, Planning and Programs—BSMO.
	Director, EEO and Diversity.
	Director, Compliance Systems Division.
	Assistant Deputy Commissioner.
	Director, Internet Development Services.
	Director, Corporate Data & Systems Management Division.
	Director, Human Resources, Administration and Servicewide Edu.
	Director, Taxpayer Education and Community, SBSE.
	Director, Field Operations, NY–LMSB.
	Submission Processing Field Director—Andover.
	Accounts Management Field Director, Fresno.
	Director, Enterprise operations—Oits.
	Director, Development Services.
	Project Director.
	Director, Performance, Quality and Innovation—LMSB.
	Director, Strategic Planning.
	Director, Budget Policy Planning and Programs.
	Director of Field Operations (Southeast Area) CID.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Director, Management Services.
	Industry Director—Financial Services—LMSB
	Director, Enterprise Operations Services.
	Associate Cfo for Corporate Strategy.
	Director, Strategic Planning and Budget Division.
	Division Information Officer (Wage and Investment).
	Director, Strategy, Research and Performance Management.
Internal Revenue Service Chief Counsel	Regional Counsel SE Region.
	District Counsel, New England.
	District Counsel, Ohio.
	District Counsel, New Jersey.
	District Counsel, S Florida.
	Assistant Chief Counsel (International) (Litigation).
	Dep Asst Chf Coun (Income Tax and Accounting).
	Assistant Chief Counsel (Collection, Bankruptcy and Summonses).
	Regional Counsel Midstates.
	Division Counsel (Wage and Investment).
	Dep DIV Counsel/Dep Asst Chief Counsel (Criminal Tax).
	Deputy Associate Chief Counsel (General Legal Services).
	Assistant Chief Counsel (Disclosure and Privacy Law).
	Dep Asst Chief Coun (Financial Inst and Prod).
	Area Counsel (SBSE) (Area 7).
	Area Counsel (SBSE)—Los Angeles.
	Deputy Associate Chief Counsel (GLS) (Labor and Personnel Law).
	Area Counsel (SBSE)—Philadelphia.
	Deputy Assoc Chief Counsel (International).
	Area Counsel (SBSE)—Chicago.
	Area Counsel (SBSE)—New York.
	Deputy Division Counsel # 1 (SBSE).
	Division Counsel (Large and Mid-Size Business).
	Division Counsel (Small Business/Self Employed).
	Deputy Associate Chief Counsel (Corporate).
	Asst Chf Coun (Fin Institutions and Products).
	Area Counsel (Large and Mid-Size Business) (Area 1) (Financial Services and Health Care.
	Deputy Associate Chief Counsel #2 (Passthroughs and Special Industries).
	Associate Chief Counsel (Procedure and Administration).
	Associate Chief Counsel (Passthroughs and Special Industries).
	Associate Chief Counsel (Corporate).
	Deputy Division Counsel #2 (Small Business/Self Employed).
	Deputy Associate Chief Counsel (Finance and Management).
	Deputy Associate Chief Counsel #1 (ITA).
	Area Counsel (LMSB) (Area 2) (Heavy Manufacturing, Construction and Transportation.
	Special Counsel to the National Taxpayer Advocate.
	Assistant Chief Counsel (International) (Technical).
	Associate Chief Counsel (General Legal Services).
	Assoc Chief Counsel (Enforcement Litigation).
	Area Counsel (LMSB) (Area 5) (Communications Technology, and Media).
	Assistant Chief Counsel (Administrative Provisions and Judicial Practice).
	Area Counsel (SBSE)—Jacksonville.
	Assistant Chief Counsel (Employee Benefits).
	Deputy Associate Chief Counsel (Procedure and Administration).
	Deputy Associate Chief Counsel (Strategic International Programs).
	Deputy Division Counsel (Large and Mid-Size Business).
	Deputy Chief Counsel (Technical).
	Area Counsel (SBSE)—Dallas.
	Deputy Associate Chief Counsel #2 (Income Tax and Accounting).
	Deputy Division Counsel and Deputy Associate Chief Counsel (Tax Exempt and Government Entities).
	Area Counsel, LMSB (Area 3) (Food, Mass Retailers, And Pharmaceuticals).
	Associate Chief Counsel (International).
	Assoc Chf Counsel (Finance and Management).
	Deputy Associate Chief Counsel (Financial Institutions and Products).
	Associate Chief Counsel/Operating Division Counsel (TEGE).
	Dep Assoc Chief Coun (Domestic) (Field Serv).
	Deputy Chief Counsel (Operations).
	Assistant Chief Counsel (EO/ET/GE).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
	Associate Chief Counsel (Income Tax and Accounting). Area Counsel (LMSB) (Area 4) (Natural Resources). Area Counsel (SBSE)—Denver. Deputy Associate Chief Counsel #1 (Passthroughs and Special Industries). Division Counsel/Associate Chief Counsel (Criminal Tax).
United States Agency for International Development:	
Office of the Administrator	Counselor to the Agency.
Office of the General Counsel	Deputy General Counsel. Asst General Counsel for Ethics and Adm.
Office of the Inspector General	Assistant Inspector General for Management. Deputy Assistant Inspector General for Audit. Counsel to the Inspector General. Deputy Inspector General.
Office of Security	Director, Office of Security.
Office of Equal Opportunity Programs	Dir Ofc of Equal Opportunity Programs.
Bureau for Global Programs, Field Support and Research	Assoc Asst Admr Center for Economic Growth. Senior Deputy Assistant Administrator Deputy Assistant Administrator, Ctr for Pop, Health, Nutr. Associate Assistant Administrator.
Bureau for Europe and Eurasia	Deputy Asst Administrator.
Bureau for Management	Chf Fin Ofcr, Office of Financial Management. Dir Office of Information Resource Management. Deputy Director Ofc of Procurement. Deputy Director, Office of Human Resources Dir, Ofc of Admin Services. Deputy Director, Ofc of Procurement. Deputy Asst Admr Bureau for Management. Deputy Director, Office of Financial Management.
United States International Trade Commission:	
Office of Industries	Dir Ofc of Industries.
Office of Investigations	Dir, Ofc of Investigations.
Department of Veterans Affairs:	
Office of the Secretary and Deputy	Director, Office of EDCA.
Office of the Inspector General	Assistant Inspector General for Auditing. Asst Inspector General for Investigations. Dep Inspector General. Asst Inspector Gen for Dept Rev and Magnt Sup. Dep Asst Inspector General for Investigations. Counselor to the Inspector General. Asst Inspector General for Heathcare Inspect. Dep Asst Inspector General for Auditing. Deputy Assistant Inspector General for Healthcare Inspections. Deputy Assistant Inspector General for Management and Administration. Director of Medical Consultation and Review. Associate Director of Medical Consultation and Review.
Board of Veterans Appeals	Vice Chairman.
Office of the General Counsel	Regional Counsel. Regional Counsel. Regional Counsel. Regional Counsel. Regional Counsel. Regional Counsel.
Office Assistant Secretary for Management	Principal Deputy Assistant Secretary for Management. COREFLS Project Director.
Office of Finance	Deputy Assistant Secretary for Finance. Assoc Deputy Assistant Secretary for Financial Operations. Director, Financial Services Center.
Office of Acquisition and Materiel Management	Deputy Assistant Secretary for Acquisition and Materiel Mgmt. Assoc Dep Assistant Secy for Acquisitions. Assoc Deputy Assistant Secretary for Prog Mgmt and Oper. Executive Director/Chief Operating Officer.
Office of Asset Enterprise Management	Deputy Director, Asset Enterprise Management.
Office Assistant Secretary for Policy and Planning	Chief Acturary.
Office of Human Resources Management	Assoc Deputy Assistant Secretary for Human Res Management. Assoc Deputy Assistant Secretary for Human Res Management.
Office of Security and Law Enforcement	Deputy Assistant Secretary for Security and Law Enforcement.
Office Asst Secretary for Information and Technology	Dir, VA Automation Ctr, Austin, TX. Assoc Deputy Assistant Secretary for Telecommunications. Assoc Deputy Assistant Secretary for Pol and Prog Assistance. Associate Deputy Assistant Secretary for Cyber Security

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2002—Continued

Agency organization	Career reserved positions
National Cemetery Administration	Director, Office of Finance and Planning. Director, Office of Construction Management.
Veterans Benefits Administration	Deputy Chief Financial Officer. Deputy Director Compensation and Pension Service. Chief Financial Officer.
Veterans Health Administration	ACFO for Revenue. Chief Financial Officer. Associate Chief Financial Officer for Compliance. Deputy Chief Financial Officer. Associate Chief Facilities Management Officer for Strategic Manaagement. Associate Chief Facilities Management Officer for Service Delivery. Associate Chief Facilities Management Officer for Resource Management. Chief Operating Officer. Financial Manager. Logistics Management Officer. ACIO Implementation and Training Services. ACFO for Corefinancial and Logistics System and Direction Support Systems.
Veterans Integrated Service Network Directors	Dir Canteen Service.

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Federal Register

Tuesday,
March 11, 2003

Part III

Department of Education

Early Reading First Program; Notice Inviting Local Applications for New Awards for Fiscal Year (FY) 2003; Notice

DEPARTMENT OF EDUCATION

[CFDA No.: 84.359A (Pre–Application) and 84.359B (Full Application)]

Early Reading First Program; Notice Inviting Local Applications for New Awards for Fiscal Year (FY) 2003

SUMMARY: The Secretary invites applications for new grant awards for FY 2003 for the Early Reading First Program. These grants are authorized by subpart 2, part B, title I, of the Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind Act, Public Law 107–110. The Secretary also announces final eligibility, procedures, requirements, priorities, and selection criteria for this competition.

Purpose of Program

The purpose of the Early Reading First Program is to create preschool centers of excellence by improving the instruction and classroom environment of early childhood programs that are located in urban or rural high-poverty communities and that serve primarily children from low-income families. These programs will provide preschool-age children, including children with disabilities and children with limited English proficiency, with high-quality environments and early reading curricula and activities, based on scientifically based reading research, to support the age-appropriate development of: oral language, phonological awareness, print awareness, and alphabet knowledge. These activities (with tactile and communication accommodations for children with disabilities, as appropriate), in combination with professional development based on scientific research and with screening assessments, will form a seamlessly integrated instructional program that will further children's development of language, cognitive, and early reading skills and prevent them from encountering reading difficulties when they enter school.

Applications Available: March 17, 2003.

Deadline for Transmittal of Applications: Pre-Application: April 11, 2003. Full Application (for invited applicants only): June 27, 2003 (which is approximately 6 weeks after the date applicants will be invited to submit Full Applications).

Deadline for Intergovernmental Review: August 26, 2003.

Estimated Available Funds: $75,000,000.

Estimated Range of Awards: $300,000–$1,500,000 per year; $900,000–$4,500,000 for a 3-year period.

Estimated Number of Awards: 17–250.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to three years.

SUPPLEMENTARY INFORMATION:

Background

The Early Reading First Program is part of the President's early childhood initiative, ''Good Start, Grow Smart.'' As part of that initiative, these grants will strengthen early learning environments and instruction for young children. They also will help ensure that preschool programs are more closely coordinated with State educational goals, so that there is continuity with formal school instruction and so that what children are doing before they enter school is aligned with what is expected of them once they are in school.

Early Reading First grants will use research-based strategies to generate information about effective practices in providing younger children with the essential language, literacy, and cognitive experiences that will best prepare them for later school success. The Department plans to disseminate information about Early Reading First projects that prove to be effective.

Specifically, Early Reading First projects provide the following activities, with accommodations as needed for children with disabilities: High-quality oral language and print-rich environments; professional development for staff based on scientifically based reading research knowledge of language, cognitive, and early reading development that will assist in developing preschool-age children's oral language, phonological awareness, print awareness, and alphabet knowledge; activities and instructional materials based on scientifically based reading research for use in developing language, cognitive, and early reading skills; acquisition, training, and implementation of screening reading assessments; and integration of the instructional materials, activities, tools, and measures into the applicant's overall programs.

Eligible Applicants

(1) One or more LEAs identified as being eligible on the list of ''Eligible LEAs'' that will be posted on the Department's Web site at *http://www.ed.gov/offices/OESE/earlyreading/index.html* by the date that applications are available; (2) one or more public or private organizations or agencies (including faith-based organizations) located in a community served by one of those LEAs, which organization or agency is acting on behalf of one or more programs (which may include themselves) that serve young children, such as a Head Start program, a child care program, an Even Start program; or (3) one or more of the eligible LEAs, applying in collaboration with one or more of the eligible organizations or agencies. In addition to obtaining the list of ''Eligible LEAs'' from the Department's web site, the public may obtain that list on or after the date that applications are available by contacting the individual identified under **FOR FURTHER INFORMATION CONTACT.**

Applicability of Regulations

The following provisions of the Education Department General Administrative Regulations (EDGAR) contained in Title 34 of the Code of Federal Regulations (CFR) apply to these Early Reading First Program grants: 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, 86, 97, 98, and 99.

FY 2003 Eligibility

Background

The Early Reading First statute ties grant applicant eligibility to basic LEA eligibility for Reading First State Grants subgrants. Specifically, to meet the basic eligibility criteria under the Reading First State Grants Program (and, thus, the Early Reading First Program), each eligible LEA must:

- Be among the LEAs in the State with the highest numbers or percentages of students in kindergarten through grade 3 reading below grade level, based on the most currently available data (and a State may use the lowest grade for which it has those data, such as grade 4, up through grade 5); *and* also qualify under one of the following categories as an LEA that:
- Has jurisdiction over a geographic area that includes an area designated as an empowerment zone (EZ) or an enterprise community (EC).
- Has jurisdiction over a significant number or percentage of schools that are identified for school improvement under section 1116(b) of title I of the ESEA (or the predecessor statutory authority).
- Has the highest numbers or percentages of children in the State who are counted under section 1124(c) of title I of the ESEA (the number of children counted for Title I Basic Grants to LEAs).

At the time of the FY 2002 Early Reading First grant competition, no State had yet obtained approval of its

Reading First plan. Therefore, for Early Reading First eligibility for FY 2002, the Department allowed States to submit lists of eligible LEAs using the above Reading First criteria. In the absence of those lists, the Department used Title I Basic Grant allocation child count data for FY 2001 (see **Federal Register** notice, 67 FR 17594 (April 10, 2002)).

FY 2003 Eligibility Lists

The Department will use the same eligibility lists for the FY 2003 Early Reading First competition that it used for the FY 2002 competition, supplemented as explained in this section under "Supplemental Data." Therefore, all LEAs, and organizations and agencies located in those LEAs, that were eligible for FY 2002 will also be eligible for the FY 2003 Early Reading First competition.

Supplemental Data—States That Have Approved Reading First Plans by February 28, 2003: A number of States now have approved Reading First plans. For States that received approval of their Reading First plans on or before February 28, 2003, the Department will supplement the FY 2002 Early Reading First eligible LEA list with any LEAs that are eligible under those approved Reading First plans but that were not included on the FY 2002 Early Reading First eligible LEA list.

Waiver of Proposed Rulemaking: It is the Secretary's practice, in accordance with the Administrative Procedure Act (5 U.S.C. 553), to offer interested parties the opportunity to comment on proposed rules that are not taken directly from statute. Ordinarily, this practice would have applied to the priorities and requirements in this notice. Section 437(d)(2) of the General Education Provisions Act (GEPA), however, exempts from this requirement rules that would cause extreme hardship to the intended beneficiaries of the program that would be affected by those regulations. The Secretary has determined that extreme hardship would be caused in this case because: a two-stage competition is necessary in order to obtain the highest-quality applications for these grants because of the complex nature of the program, the variety of potential applicants, and the expected large number of applications; funding is available only until September 30, 2003; and there is insufficient time to publish the competition rules for notice and comment and conduct a two-stage competition before that date. The Secretary, in accordance with section 437(d)(2) of GEPA, has decided to forgo public comment with respect to the rules in this grant competition in order to ensure timely and high-quality awards. These rules will apply only to the FY 2003 grant competition.

Application Process: The FY 2003 Early Reading First grant competition will be conducted through a Pre-Application and Full Application process. All applicants must submit a Pre-Application, which must include a brief description of the context of the existing preschool program(s) to be supported and improved with Early Reading First funds, and then a short narrative that addresses four key concepts related to the proposed project that are described under PRE-APPLICATION SELECTION CRITERIA. The Pre-Application is limited to: 2 double-spaced pages for describing the context, and 10 double-spaced pages to address the selection criteria, with a limited appendix and formatting requirements that are described in the application package.

The Secretary, through a peer review panel of experts convened under section 1203(c)(2) of the ESEA in accordance with section 1222(c) of the ESEA, will evaluate each Pre-Application based on the Pre-Application selection criteria and will determine whether each Pre-Application qualifies for additional points under two Pre-Application competitive priorities included in this notice. In determining which applicants to invite to submit Full Applications, the Secretary will consider the rank order of applications, as determined by the total score of the Pre-Application based on the selection criteria and the awarding of competitive priority points, if any.

The Full Application must include a brief program context description, a narrative addressing the Full Application selection criteria (different than the Pre-Application selection criteria), a budget, and a budget narrative. The Secretary, through a separate peer review panel of experts also convened under section 1203(c)(2) of the ESEA in accordance with section 1222(c) of the ESEA, will evaluate each Full Application based on the Full Application selection criteria and will determine whether each Full Application qualifies for additional points under the Full Application competitive priority included in this notice. The Full Application is limited to: 2 double-spaced pages for the context description, 35 double-spaced pages for the narrative, and 5 double-spaced pages for the budget narrative, with formatting requirements and limited appendices that are described in the application package.

The Secretary will select applicants for funding based on the quality of the Full Applications including their rank order as determined by the total score of the Full Application based on the selection criteria and the awarding of competitive priority points, if any. In making funding decisions, the Department will use the procedures in section 75.217 of EDGAR, 34 CFR 75.217. When making awards, the Secretary may take into consideration other information that is relevant to obtaining a variety of types of funded projects and an equitable distribution of awards throughout the Nation, such as geographical representation, location in high-need urban and rural areas, project size, and type of program. The Department anticipates making final awards in September 2003.

Priorities

Invitational Priorities

The Secretary is particularly interested in Early Reading First proposals that will be operated by a partnership that includes at a minimum, the following entities: (1) An SEA or a local educational agency (LEA), or both; and (2) a preschool that is not under the administrative control of an LEA. A preschool is considered to be under the administrative control of an LEA for this purpose if the LEA is the fiscal agent or operates, supervises, controls, or manages the preschool. A preschool that is located in a school or LEA building is not necessarily under the administrative control of an LEA. This invitational priority will help ensure that the preschool programs supported with Early Reading First funds are closely coordinated and aligned with the State's kindergarten through grade 12 (K–12) educational system and goals and will give State and local support to preschools that are not formally a part of the State's K–12 public education system. However, applications that meet this invitational priority do not receive any absolute or competitive preference over applications that do not meet the priority.

The Secretary also is particularly interested in Early Reading First projects that will serve a significant number of children with special needs, including those with disabilities and those with limited English proficiency. These programs would provide those children access, through appropriate accommodations, to the same high-quality environments and early reading curricula and activities based on scientifically based reading research as would be provided to children without special needs, to support their age-appropriate development of oral language, phonological awareness, print awareness, and alphabet knowledge. Applications that meet this invitational priority do not receive any absolute or competitive preference over other applications.

Pre-Application Priorities

Pre-Application Competitive Priorities

Under 34 CFR 75.105(c)(2), the Secretary gives two separate competitive preferences to Pre-Applications as follows:

Pre-Application Competitive Priority 1—Children from Low-Income Families

To meet Pre-Application competitive priority 1, each preschool center to be supported by the proposed Early Reading First project must have at least 75 percent of the children enrolled in the preschool center qualify to receive free or reduced price lunches; *or* at least 75 percent of the children enrolled in the elementary school, in the school attendance area in which that center is located qualify to receive free or reduced price lunches. In addition, each of those preschool centers must be located in a community served by an ''eligible LEA,'' or primarily serve children who will attend kindergarten in an ''eligible LEA.'' (''Eligible LEAs'' for the purpose of this competitive priority are those LEAs that are listed as ''eligible LEAs'' for this FY 2003 grant competition on the Early Reading First Web site at *http://www.ed.gov/offices/OESE/earlyreading/index.html*.)

An application that meets this first Pre-Application competitive priority would receive *10 points* in the Pre-Application portion of this grant competition. To receive these points, an applicant that qualifies must complete and submit Pre-Application Form B, included in the application package. These points are in addition to any points the applicant earns under the Pre-Application selection criteria or the other Pre-Application competitive priority.

This competitive priority is designed to ensure that Early Reading First funds are used to support local efforts to enhance the early language, literacy, and prereading development, primarily of preschool children who are from low-income families.

Pre-Application Competitive Priority 2—Novice Applicant

To meet Pre-Application competitive priority 2, the applicant must be a *novice applicant* (or a group of novice applicants) under 34 CFR 75.225 that is otherwise eligible to apply under this competition, and must check the appropriate box on ED Form 424 (Application for Federal Assistance), Question 6. A ''novice applicant'' under 34 CFR 75.225 means the following for this Pre-Application competitive priority: an applicant that has not had an active discretionary grant from the Federal Government in the five years before the deadline date for the Pre-Application in this grant competition. For the purposes of this requirement, a grant is active until the end of the grant's project or funding period, including any extensions of those periods that extend the grantee's authority to obligate funds. In the case of applications from more than one eligible applicant (that is, a group application), every eligible applicant must be a novice applicant to meet this Pre-Application competitive priority.

This competitive priority is included to broaden and diversify the pool of qualified applicants and provide greater opportunities for inexperienced applicants with high-quality applications to receive funding. An application that meets this second Pre-Application competitive priority would receive *5 points* in the competition. These points are in addition to any points the applicant earns under the Pre-Application selection criteria or the other Pre-Application competitive priority.

Full Application Priority

Under 34 CFR 75.225, the Secretary gives a competitive priority to Full Applications as follows:

Full Application Competitive Priority—Novice Applicant

To meet the Full Application competitive priority, the applicant must be a *novice applicant* (or a group of novice applicants) under 34 CFR 75.225 that is otherwise eligible to apply under this competition, and must check the appropriate box on ED Form 424 (Application for Federal Assistance), Question 6. A ''novice applicant'' under 34 CFR 75.225 means the following for this Full Application competitive priority: an applicant that has not had an active discretionary grant from the Federal Government in the five years before the deadline date for a Full Application under this grant competition. For the purposes of this requirement, a grant is active until the end of the grant's project or funding period, including any extensions of those periods that extend the grantee's authority to obligate funds. In the case of applications from more than one eligible applicant (that is, a group application), every eligible applicant must be a novice applicant to meet this Full Application competitive priority.

This competitive priority is included to broaden and diversify the pool of qualified applicants and provide greater opportunities for inexperienced applicants with high-quality applications to receive funding. An application that meets this Full Application competitive priority would receive *5 points* in the competition. These points are in addition to any points the applicant earns under the selection criteria.

Pre-Application Selection Criteria

The Secretary will use the following selection criteria in accordance with 34 CFR 75.200(b)(2) and 75.209 to evaluate Pre-Applications under this grant competition. The maximum score for all of these selection criteria is 100 points. The *maximum* score for each criterion is indicated in parenthesis with the criterion.

Each applicant must first use up to two (2) double-spaced pages of its Pre-Application to describe the context of the existing early childhood education programs serving preschool-age children (preschool programs) that they propose to support with Early Reading First funds. The Secretary recommends that, in the case of center-based programs, applicants generally include no more than a total of 5 centers to ensure that funds are sufficiently concentrated to achieve the program goals. The context description of the current program must include the following information: the ages and number of children being served; demographic and socioeconomic information on those children; information on the type of special needs that any of the children may have; the average hours the children attend the program (hours/day, days/week, and months/year); primary funding source(s) for the program; the basic instructional program; and the number of staff and their qualifications.

The Secretary believes that programs with the capacity and potential to become Early Reading First preschool centers of educational excellence are likely to be preschool programs that currently are stable and effectively attend to the developmental domains traditionally supported by preschool programs, including social, emotional, and physical. The Secretary recommends that applicants demonstrate the current program's capacity in these domains when describing the context of the existing program.

In addition to the 2-page context description, applicants must also include, in the Appendix to the Pre-Application, a list of the names and addresses of the preschool programs that the Early Reading First project will support.

Each applicant must then use *no more than a total of 10 additional double-spaced pages* to address the following selection criteria. (Pre-Application Competitive Priority 1—Children from Low-Income Families, and Pre-Application Competitive Priority 2—Novice Applicant, are addressed by separate forms in the Pre-Application package.)

Selection Criteria

(1) *Vision* (up to 25 points): Starting from the context of the existing early childhood education program(s) that the Early Reading First project would support, applicants must describe their vision for what those programs would look like if they were to become centers of educational excellence. Applicants must tie their vision to the scientific reading research upon which that vision is based, and state the overall goals for their proposed Early Reading First project based on that vision and research.

In evaluating the response to this first Pre-Application selection criterion, the Secretary will consider the information in the 2-page context description, as well as the information in the 10-page narrative. The Secretary will evaluate the clarity, creativity, comprehensiveness, and feasibility of the overall vision, and the capacity and potential of the project to achieve that vision. The Secretary also will consider how well the goals are tied to the vision, and the extent to which those goals incorporate high expectations, based on scientific research, for improvements in the early learning environment, curricula, teacher instruction, and will enhance children's development of oral language, phonological awareness, print awareness, and alphabet knowledge.

(2) *Key Research and Program Design* (up to 40 points): Applicants must discuss the key scientifically based research in the areas of language, cognitive, and early reading development for preschool-age children, and include citations to the sources of that research. Applicants must tie their program design to that research, by explaining the research-based strategies they would use, and the changes they would make to the existing program, which will appropriately address the needs of all children in the project, including children with special needs, in each of the following core areas: classroom environment, professional development, curricula and instruction, and on-going screening assessment or other appropriate measures to monitor the children's progress. Applicants must explain any changes that they would make in the amount of time the program spends on developing children's language, cognition, and early reading skills, and how they would engage parents in helping with their children's development in those areas.

In evaluating the response to this second Pre-Application selection criterion, the Secretary will consider the relevance and rigor of the research cited, and how well the program design clearly links the proposed strategies with the major findings of up-to-date scientifically based reading research about best practices in language, cognitive, and early reading development. These best practices may include, for example, how the Early Reading First project will do the following: create high-quality oral language and print-rich environments; use strong, intensive, sustained, and classroom-focused professional development for preschool staff; support the diverse needs of all children's learning through the seamless integration of curricula, materials, and instructional approaches, including the use of explicit, contexualized, and scaffolded instruction in phonological awareness, oral language skills, print awareness, and alphabet knowledge; and use continuous screening assessments to monitor children's progress.

The Secretary also will consider the clarity and feasibility of the overall program design, including the extent to which, in the case of center-based early education programs for preschool-age children, the number of centers to be supported by Early Reading First is limited enough (generally, to no more than five (5) centers) to achieve the project goals with the amount of funds requested.

(3) *Continuity and Coordination with Formal School Instruction* (up to 10 points): Applicants must indicate whether or not their State has preschool standards in the cognitive domain, and if it does, briefly describe those standards. Applicants must explain how their proposed Early Reading First project would prepare young children to meet their State's preschool content standards (if any) and their State's reading or language arts content standards for kindergarten or the lowest elementary grade for which the State has those content standards. In evaluating the response to this third Pre-Application selection criterion, the Secretary will consider how well the Early Reading First strategies and activities would prepare children to meet the State's preschool cognitive standards (if any), and the State's content standards in reading or language arts for the lowest grade for which the State has those standards.

(4) *Measuring Success* (up to 25 points): Applicants must describe how they will evaluate the success of their Early Reading First activities. Specifically, applicants must explain how they will determine whether the early language, literacy, and pre-reading development of the preschool-age children served by the Early Reading First Program has improved and been enhanced as a result of their Early Reading First strategies and changes. Applicants must describe the key outcomes that they would expect to see in the classroom environment, instructional practice, and children's development of oral language, phonological awareness, print awareness, and alphabet knowledge, how they plan to measure those outcomes, and how they would use the results for continuous program improvement.

In evaluating the response to this fourth Pre-Application selection criterion, the Secretary will consider how well the expected outcomes are linked to the program's goals, and how well the proposed child measures will demonstrate those outcomes. The Secretary will also consider the validity and rigor of the proposed measures, their appropriateness for the target population, and the degree to which the program will use the results to inform future instruction and program improvement.

Full Application Selection Criteria

The Secretary will use the following selection criteria in accordance with 34 CFR 75.200(b)(2) and 75.209 to evaluate Full Applications under this grant competition. The maximum score for all of the Full Application selection criteria is 100 points. The *maximum* score for each criterion is indicated in parenthesis with the criterion.

When making funding decisions, the Secretary will consider the rank order of the applications based on the selection criteria and competitive priority. The Secretary will make award determinations under section 75.217 of EDGAR, 34 CFR 75.217, and may take into consideration other information that is relevant to obtaining a variety of types of funded projects and an equitable distribution of awards throughout the Nation, such as geographical representation, location in high-need urban and rural areas, project size, and type of program.

Each applicant must first use up to two (2) double-spaced pages of its Full Application to describe the context of the existing early childhood education programs serving preschool-age children (preschool programs) that it proposes to support with Early Reading First funds. *The peer reviewers will consider the information in the context description of the existing preschool programs, as well as all other information in the Full Application, in evaluating the applicant's responses to the Full Application selection criteria.* This description may be the same description that the applicant included in its Pre-Application, or a revised description, and must include the following information: the ages and number of children being served; demographic and socioeconomic information on those children; information on the type of special needs that any of the children may have; the average hours the children attend the program (hours/day, days/week, and months/year); primary funding source(s) for the program; the basic instructional program; and the number of staff and their qualifications.

The Secretary believes that programs with the capacity and potential to become Early Reading First preschool centers of educational excellence are likely to be preschool programs that currently are stable and effectively attend to the developmental domains traditionally supported by preschool programs, including social, emotional, and physical. The Secretary recommends that applicants demonstrate the program's current capacity in these domains when describing the context of the existing program.

Selection Criteria

(a) *Capacity and Significance of Project* (up to 15 points). (1) The Secretary considers the capacity and significance of the proposed project.

(2) In determining the capacity and significance of the proposed project, the Secretary considers the following factors:

(i) The likelihood that the project will become a center of educational excellence for at-risk preschool-age children, as demonstrated by the goals articulated and the program's capacity and potential for achieving those goals.

(ii) The extent to which the project will provide unique research-based benefit to the field of early childhood education, such as through information, materials, and techniques, and the potential for those resources being used effectively in other settings.

(b) *Quality of Project Activities and Services* (up to 35 points). (1) The Secretary considers the quality of the proposed project's activities and services.

(2) In determining the quality of the proposed project's activities and services, the Secretary considers the following factors:

(i) The extent to which the applicant presents a detailed plan that explains how the project will provide the following activities and services to support the development of language, cognitive, and early reading skills for preschool-age children; and how the project will incorporate strategies that meet the diverse needs of all of the project's preschool-age children (including those with limited English proficiency, disabilities, and other special needs) into those activities and services:

(A) Providing a rich oral language and print-rich environment and developing preschool-age children's oral language, phonological awareness, print awareness, and alphabet knowledge.

(B) Preparing and providing ongoing assistance to staff, through professional development and other support.

(C) Providing services and using instructional materials and activities, including explicit, contextualized, and scaffolded instruction, and integrating those instructional materials and activities into the applicant's preschool programs and family literacy services.

(D) Using screening reading assessments or other appropriate measures to determine the skills children are learning and identify children who might be at risk of reading failure.

(E) Helping children, especially those experiencing difficulty with language and early reading skills, to make the transition from preschool to formal classroom instruction.

(F) Involving parents meaningfully in their children's early education.

(ii) The reviewers also will evaluate the extent to which the applicant's detailed plan explains how each of the project's activities and services are based on up-to-date knowledge from scientifically based reading research, with research citations where appropriate.

(c) *Quality of Project Personnel* (up to 10 points). (1) The Secretary considers the quality of project personnel.

(1) The Secretary considers the quality of project personnel.

(2) In determining the quality of project personnel, the Secretary considers the following factors:

(i) The strength of the qualifications, including relevant training and experience, of the project staff.

(ii) The strength of the qualifications, including relevant training and experience, of personnel with whom the project will contract to assist in project activities, including research-based professional development for staff to support children's development of language, cognitive, and early reading skills.

(d) *Quality of Management Plan* (up to 20 total points).

(1) The Secretary considers the quality of the management plan for the proposed project.

(2) In determining the quality of the management plan, the Secretary considers the feasibility of the proposed project and the likelihood that the project will be able to achieve its expected goals, taking into consideration the strength of any partnership, and using the following factors:

(i) The adequacy of the management plan to achieve the goals of the proposed project on time and within budget, including: clearly defined goals, activities, responsibilities, and a timeline for accomplishing project tasks.

(ii) The extent to which the time commitments of the project director and principal investigator and other key project personnel, including any partnership commitments, are appropriate and adequate to meet the objectives of the proposed project.

(iii) The extent to which the proposed costs are adequate in relation to the proposed activities, the number of persons to be served, and the anticipated results and benefits.

(e) *Quality of the Project Evaluation* (up to 20 total points).

(1) The Secretary considers the quality of the proposed project evaluation.

(2) In considering the quality of the proposed project evaluation, the Secretary considers the extent to which the methods of evaluation include the use of objective, valid, and reliable performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data in the following areas:

(i) Improvement in classroom environment.

(ii) Improvement in teacher knowledge and qualifications.

(iii) Improvement in teacher instruction and planning.

(iv) Improvement in outcomes for children's development of oral language, phonological awareness, print awareness, and alphabet knowledge.

Paperwork Reduction Act Considerations

The procedures and requirements contained in this notice relate to an application package that the Department has developed for the Early Reading

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Program Authority: 20 U.S.C. 6371–6376 and Public Law No. 107–110.

Dated: March 6, 2003.

Eugene W. Hickok,

Under Secretary.

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Part IV

Department of Housing and Urban Development

24 CFR Part 906

Public Housing Homeownership Program; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 906

[Docket No. FR–4504–F–02]

RIN 2577–AC15

Public Housing Homeownership Program

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

ACTION: Final rule.

SUMMARY: This rule states the requirements and procedures governing a new statutory homeownership program to be administered by public housing agencies (PHAs). Under this rule, a PHA makes public housing dwelling units, public housing developments, and other housing units available for purchase by low-income families as their principal residences.

DATES: *Effective Date:* April 10, 2003.

FOR FURTHER INFORMATION CONTACT: Dominique Blom, Office of Public Housing Investments, Office of Public and Indian Housing, Department of Housing and Urban Development, Room 4138, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 401–8812, ext. 4181 (this is not a toll-free number). Hearing or speech impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. The New Section 32 Homeownership Program

Section 536 of the Quality Housing and Work Responsibility Act of 1998 (title V of Public Law 105–276, 112 Stat. 2461, approved October 21, 1998) (QHWRA) amended title I of the United States Housing Act of 1937 (42 U.S.C. 1437 *et seq.*) (1937 Act) by adding a new section 32, which authorizes a new public housing homeownership program (section 32 homeownership program). The new homeownership program replaces the public housing agency homeownership program that was authorized under section 5(h) of the 1937 Act (the 5(h) homeownership program or 5(h) program). Section 518 of the QHWRA repealed the section 5(h) homeownership program, and section 566 of the QHWRA added a new section 5(h) that deals with an unrelated matter.

II. The 5(h) Program

The regulations implementing the former 5(h) homeownership program are found at 24 CFR part 906 (April 1, 2002). The 5(h) program generally was a program, similar to the section 32 program, under which PHAs could sell public housing units subject to Annual Contributions Contract (ACC) to public housing and section 8 residents for purposes of homeownership (*see* §§ 906.2, 906.3).

The 5(h) program required submission of a homeownership plan with specified contents for HUD review and approval, including a property description, standards to be used for selection of purchasers, proposed conditions of sale, and other matters. In addition to the homeownership plan, the 5(h) program required various forms of supporting documentation.

The 5(h) program permitted "any appropriate" method of sale, but was not specific in terms of what those methods might be. As examples, the program cited fee-simple conveyance of individual dwellings, or conversion of buildings to cooperative or condominium use. The program permitted "indirect sale," that is, sale to an intermediary entity for sale to residents.

Eligible purchasers in the 5(h) program were residents of public housing, or tenants assisted under section 8 who have been lawful residents of their units for some minimum time specified in the homeownership plan, but in any case not less than 30 days prior to conveyance of title of the dwelling to be purchased. In 24 CFR 906.8(e) (April 1, 2002), the 5(h) rule established affordability standards to ensure that residents are capable of assuming the financial obligations of homeownership.

The 5(h) program required a plan for replacement of housing sold. (*See* 24 CFR 906.16 April 1, 2002.) This requirement is based on section 18 of the 1937 Act, 42 U.S.C. 1437p, as it existed prior to the effective date of the QHWRA, which required some form of replacement for every disposed unit. However, the replacement housing requirement was removed from section 18 by the QHWRA, and so is not found in this rule implementing the section 32 homeownership program.

The 5(h) program contained a number of other provisions necessary to the operation of the program, such as restrictions on resale profits to avoid windfalls, civil rights certifications, and provisions for HUD review and approval of applications to participate in the program. The proposed and final section 32 program rules retain many of these requirements and vary others, as described in sections III and IV of this preamble.

III. The September 14, 1999 Proposed Rule

On September 14, 1999, HUD published for public comment a notice of proposed rulemaking (NPRM) to implement the section 32 Homeownership program. That rulemaking proposed amendments to the 5(h) homeownership program as implemented in 24 CFR part 906.

The NPRM proposed reorganizing 24 CFR part 906 into five subparts according to the subjects covered: A general statement of the program; basic program requirements; purchaser requirements; program administration; and program submission and approval. The new statutory homeownership requirements were proposed to be integrated with the 5(h) requirements that HUD determined appropriate to retain, such as proposed § 906.39, which is based upon § 906.20 of the 5(h) rule and covers what must be contained in a homeownership program.

The 5(h) statute and rule provided for sales only to the lower-income tenants of a PHA, including section 8 assistance recipients (although the 5(h) program allowed for income-eligible non-tenants to meet the residency requirement in order to purchase a unit). In contrast, section 32 provides for three categories of eligible purchasers: (1) Low-income families assisted by a PHA; (2) other low-income families; and (3) entities formed to purchase units for resale to low-income families. Therefore, the NPRM proposed that low-income families and purchase and resale entities (PREs) would be eligible to purchase units under the program (*see* § 906.11 of the NPRM, 64 FR 49935). The NPRM also proposed, at § 906.15, that a family purchasing a property under a PHA homeownership program would have to be a low-income family, as defined in section 3 of the 1937 Act, at the time the contract to purchase the property is executed. The only exception to this requirement would be in the case of a public housing family currently residing in a unit to be sold, exercising their right of first refusal. Such families would have a right of first refusal even if they are over the income limit at the time their unit is offered for sale.

The NPRM proposed expanding the definitions of units that may be sold. Whole existing § 906.3 provides for sales of all or a portion of a public housing project, the NPRM notified the public that, in addition to public housing units, other units owned, operated, assisted, or acquired for homeownership sale that have received the benefit of 1937 Act funds could also be sold (*see* proposed § 906.5(a), 64 FR 49934.)

As in the 5(h) rule, the NPRM proposed a resident consultation requirement. In the NPRM, resident consultation generally would occur through the PHA plan process under 24 CFR part 903 (*see* § 906.39(e)).

As to permitted methods of sale, § 906.25 of the NPRM followed closely the section 32 statute at paragraph (h) (42 U.S.C. 1437z–4(h)), stating that ''any homeownership interest'' that the PHA considers appropriate may be transferred to the purchasing family. Specific methods of sale listed include, but are not limited to: Fee simple; a condominium interest; an interest in a limited-dividend cooperative; or a shared appreciation interest with PHA financing.

The NPRM proposed expanding the definition of eligible purchasers to low-income families, rather than tenants receiving assistance as provided in the 5(h) rule at § 906.8. This proposed broader eligibility would follow the section 32 statute, (42 U.S.C. 1437z–4(c)). In addition, entities formed to purchase units and resell them to eligible purchasers, known in the NPRM as purchase and resale entities, would be eligible (*see* 42 U.S.C. 1437z–4(c)(1) and § 906.11 of the NPRM (64 FR 49935)). The NPRM suggested specific requirements incumbent upon PREs in § 906.19 (64 FR 49935). These proposed requirements would include financial and administrative capacity requirements, protection against fraud and abuse, and requirements that the Purchase and Resale Entity (PRE) fulfill the program goals of selling properties only to eligible families, enforced by deed and title restrictions. Also, the NPRM proposed requiring PREs to sell properties they acquire within five years, or transfer ownership to the PHA, as the statute requires (*see* 42 U.S.C. 1437z–4(c)(2).)

The NPRM proposed to retain the 5(h) program's financial capacity requirements found at 24 CFR 906.8(e). (*See* proposed § 906.15(c) at 64 FR 49935.) In addition, the NPRM, following the statute, proposed requiring purchasing families to make a downpayment. The downpayment could consist of grant amounts, gifts from relatives, and other contributions for the downpayment, with the exception that an amount equal to one percent of the purchase price would be required to come from the family's own resources. (*See* 42 U.S.C. 1437z–4(g) and proposed § 906.15(d), 64 FR 49935.)

An important difference between the 5(h) program on the one hand, and section 32 and the NPRM on the other, is that, where the 5(h) program prohibits displacement of in-place residents in order to make a sale, the section 32 program and NPRM would clearly permit such displacement subject to specified protections for the in-place resident. The NPRM proposed giving a right of first refusal to the resident or residents occupying a public housing unit to be sold. (*See* 42 U.S.C. 1437z–4(d) and proposed § 906.13(a) at 64 FR 49935.) Nonpurchasing residents of units other than public housing units would not have a right of first refusal, but would be entitled to Uniform Relocation Act (URA) benefits. (*See* proposed § 906.24, 64 FR 49936.) Public housing residents who do not exercise their right of first refusal and whose unit is sold would be statutorily entitled to benefits, including: 90 days advance notice prior to the displacement date; an offer of comparable housing that meets housing quality standards and is located in an area that is generally not less desirable than the location of the displacee's original housing; any necessary counseling; and payment of actual and reasonable moving expenses. (*See* 42 U.S.C, 1437z–4(e) and proposed § 906.23 at 64 FR 49936.) The only exception to the 90-day advance notice requirement would occur in the case where the unit presents an imminent threat to health and safety. This could occur, for example, in the case of a unit with a dangerous condition that the PHA plans to repair prior to selling the unit. In such a case, the NPRM proposed that the PHA could move the resident to another, safer unit without 90 days advance notice. (*See* 42 U.S.C, 1437z–4(e)(1) and proposed § 906.23 at 64 FR 49936.)

Another difference between the 5(h) and proposed section 32 programs is the treatment of profits on resale of a homeownership unit by the low-income family who originally purchased the unit under the program to a buyer on the open market. Where 5(h) was strict in preventing a windfall profit, that is, a profit based not on market appreciation but on a discount or government assistance provided to the purchaser, section 32 would provide a PHA with more flexibility in the recapture of assistance amounts on resale. A homeownership program under section 32 ''shall provide such limitations on resale as the (public housing) agency considers appropriate * * * for the agency to recapture'' all or a portion of the economic gain from resale in the first 5 years, and after that, only the gain attributable to assistance provided to the purchaser. (*See* 42 U.S.C. 1437z–4(i) and proposed § 906.27 at 64 FR 49936.) Therefore, a PHA would have broad flexibility in deciding how much to recapture; in HUD's view, ''a portion'' of the gain could include an amount that is *de minimis*, or even zero.

The NPRM, like the current 5(h) rule codified at 24 CFR 906.20, proposed specific required contents of a homeownership plan. (*See* proposed § 906.39.) The 5(h) rule and NPRM required or would require: A property description; a plan for any required repair or rehabilitation; standards for purchaser eligibility and selection; terms and conditions of sale and financing; information about resident consultation; counseling, training and technical assistance to be provided; a plan for nonpurchasing residents (with the important difference that under 5(h), such a resident may elect to move or stay in place as a tenant, and under section 32, the resident can be required to move if given certain protections stated in proposed § 906.23 at 64 FR 49936); an estimate of the sales proceeds and explanation of how they will be used; an administrative plan; records and reports; and a budget and timetable. The NPRM proposed to eliminate the requirement for a replacement housing plan, as replacement housing is no longer required by law. The NPRM also proposed a requirement that, in cases where sales will be through a PRE, the plan contain a description of the PRE's responsibilities and information demonstrating that regulatory requirements applicable to a PRE have been met.

The supporting documentation that the NPRM proposed to be required (proposed § 906.41 at 64 FR 49937) would be quite similar to the documentation required in the 5(h) program rule at 24 CFR 906.21. The main difference would be in the documentation of capacity to perform. Where the 5(h) program required broadly ''information to substantiate the commitment and capability of the PHA and any other entity with substantial responsibilities for implementing the plan,'' the NPRM would be more specific in its proposed documentary requirements in the analogous § 906.41(d) (64 FR 49938). As proposed, the PHA would be required to include a description of its past experience in carrying out low-income homeownership programs, and its reasons for considering such programs to have been successful. If the PHA has not carried out low-income homeownership programs the PHA could substitute documentation of experience in public housing modernization and development projects.

As to HUD review and approval of homeownership plans, the NPRM proposed to include additional criteria to the 5(h) approval criteria of legality, workability, and clear and complete documentation. (*See* 24 CFR 906.4.) In addition to these review criteria, under the NPRM, HUD would consider the PHA's performance in homeownership based on the experience criteria in proposed § 906.41(d) at 64 FR 49938.

IV. This Final Rule

A. Brief overview of major changes in the final rule.

- Financial capacity requirements have been adopted from the 5(h) program, requiring a family to have sufficient income that their monthly housing payments do not exceed 35 percent of their income and any assistance that will be available for such payments.
- On resale by the homeownership family, PHAs are given more flexibility in determining how much of the profit attributable to assistance to recapture.
- Below-market sales are permitted to ensure that eligible, low-income buyers have adequate homeownership opportunities.
- Provisions are added explicitly permitting lease-purchase arrangements, and regulating the disposition of lease income set aside for purchase, if no purchase occurs.
- The final rule is more flexible in allowing the development of non-public housing units to be sold to the PHA and used for homeownership. Rather than trying to prevent this, the final rule permits such development as long as the development complies with Davis-Bacon wage requirements and applicable environmental requirements.
- The environmental review procedure is made somewhat more flexible to allow for cases where all units to be sold may not be identified and fully reviewed prior to submission of the homeownership program. However, this flexibility does not affect the requirement that all sites or units must be approved for the program, and the PHA cannot commit to purchase or sell such sites or units, or commit funds for their construction and rehabilitation, until all applicable environmental requirements have been satisfied.
- Section 8(y) assistance may now be used in conjunction with a homeownership program under this rule.

B. Detailed Discussion of the Final Rule

Many of the 5(h) program requirements in part 906 were retained in this final rule, based on legislative indications that Congress based section 32 largely on HUD's part 906 regulations, and that Congress regarded favorably HUD's detailed implementation of section 5(h), as in effect before the enactment of the QHWRA. However, certain changes were made.

In response to a public comment, a clarifying amendment was made to proposed § 906.3(b) regarding whether a part of a prior existing homeownership program can be converted to a program under this rule. In response to two comments, HUD made a minor amendment to proposed § 906.25 to clarify that the list of ownership interests that may be conveyed is not exclusive.

HUD has made a technical change to the section titles, removing the question and answer formatting, and has provided a more accurate description of the lead paint requirements in § 906.7(a), by cross-referencing to subparts A, B, L and R of the Lead Safe Housing regulations at 24 CFR part 35. Similarly, in §§ 906.5 and 906.7, HUD has more precisely described the accessibility requirements of 24 CFR part 8 as they apply to units sold under this program. These changes simply describe existing legal obligations and are not substantive changes in the rule.

HUD has made some substantive changes as well in response to comments. HUD has accepted comments that the financial capacity guidance from HUD's 5(h) program regulations be included in this new homeownership regulation. Accordingly, HUD has added § 906.15(c)(1), a financial capacity requirement parallel to 24 CFR 906.8(e)(1) (as of April 1, 2002). Also, § 906.15(a) is revised to clarify that a family in-place in public housing exercising its right of first refusal is eligible to purchase the unit regardless of the low-income requirement. This revision reflects the requirement in 42 U.S.C. 1437z–4(d) has an unqualified requirement that families occupying a public housing unit be given a right of first refusal for their unit.

HUD has clarified the right of first refusal provision at § 906.13(a) to include the case where the PRE sells the unit. However, it should be understood that in the case of a sale by the PRE, the right of first refusal only pertains if the resident was originally occupying the unit as a public housing resident at the time the PHA transferred the unit to the PRE for the purpose of resale to lower-income families.

HUD has revised § 906.27, ''Limitations applicable to net proceeds on the sale of a property acquired through a homeownership program,'' to more closely adhere to the statute. The statute gives PHAs the authority to determine the amount of net proceeds to recapture, including amounts of assistance, as well as to determine the factors to be used in making the recapture decision. The rule now has a similar provision. In addition, HUD has added subsections defining certain terms used in § 906.27, and clarifying that below-market financing, upon resale, is not counted when determining appreciation for recapture purposes under § 906.27, although such financing may be considered assistance in other contexts.

A new § 906.29 has been added, making it clear that below-market sales are permitted in order to ensure that eligible, low-income buyers have adequate homeownership opportunities. Such sales may be financed with below-market financing. A PHA may assist with purchases by providing second mortgages, including ''soft'' non-cash second mortgages, as well as other financing methods. Section 906.31 discusses the uses a PHA is permitted to make of the net proceeds of homeownership sales, after payment of the costs of sales. Generally, under § 906.31(a), a PHA may use the proceeds for ''purposes related to low-income housing and in accordance with its PHA plan.'' If the PHA also uses section 8 assistance under the provisions of section 8(y) of the 1937 Act to provide homeownership opportunities, proceeds from sales may be used for expenses in the 8(y) program, such as providing counseling and down payment assistance. HUD encourages such uses to promote homeownership. New §§ 906.31(c) and (d) have been added to provide for situations where the Purchase and Resale Entity (PRE) fails to sell a unit within the statutorily allowed time (five years), and the unit reverts to the PHA. These sections are required to provide guidance in situations that may arise during the implementation of this program.

Section 906.35 has been revised to clarify what was already implicit, that the provisions of section 18 of the 1937 Act do not govern disposition for homeownership purposes under this part, including to a PRE for resale to a low-income family.

Revisions have been made to the required contents of a homeownership program in § 906.39. In response to comment, HUD has added provisions permitting lease-purchase arrangements (*see* § 906.39(a)). A lease-purchase arrangement generally provides that a portion of the tenant's rent be set aside for the eventual purchase of the unit. As a consequence of allowing for lease-purchases, HUD had to further determine what would happen to the amount set aside if no purchase occurred. Section 906.39(a) provides that in such a situation, the set aside amount that represents a portion of the rent would go to the PHA; otherwise, the tenant would in effect be getting an additional rental subsidy. Of course, if the tenant has placed additional amounts in excess of rent in the account out of his or her own funds, those would revert to the tenant.

In response to public comments, HUD has amended the NPRM to require PHAs selling units to include in their program descriptions a description of the exact method or methods of conveyance to be used (*see* § 906.39(a)). In addition, in response to comments as to whether a leasehold interest is the kind of interest that can be transferred in a homeownership program, the rule clarifies that lease with option to purchase is such an interest. However, a traditional leasehold is not considered a type of ownership interest.

A new § 906.39(n) has been added to require a deed restriction or restrictive covenant to enforce the primary residence requirement and the requirement that the PHA have a recapture policy for resales where there is gain from appreciation. This section creates no new substantive requirements, but provides for continuing enforceability of an already existing requirement.

Proposed § 906.41 on supporting documentation has been redesignated as § 906.40 and revised. Section 906.40(a) relates specifically to sale to a PRE, and requires material specifically relevant to that situation. Section 906.40(b)–906.40(i) contains the general supporting documentation requirements from the NPRM. Proposed § 906.40(a) (the requirement of a property value estimate) is removed. This requirement related to proposed § 906.27, in which stricter recapture provisions were contemplated. Since, in response to comments, HUD is making recapture of proceeds on resale discretionary, this requirement for a property value estimate is no longer needed.

In the case where the PRE expects to operate the unit as public housing and the unit receives operating subsidy, the PHA must submit, along with its homeownership plan, certain information similar to that submitted in a mixed-finance development where both private funds and HUD funds are involved, and must comply with all rules and regulations regarding operation of public housing units. The information to be submitted in this case is specified in § 906.40(a), and includes information regarding the provision of operating subsidy for the unit or units while owned by the PRE, amending the ACC governing the units, and a covenant running with the land that the units will be operated in accordance with public housing laws and regulations.

Proposed § 906.40, requirements applicable to acquisition of non-public housing, has been redesignated as § 906.41 and revised. This final rule revises the certification requirement of proposed § 906.40(a)(2), relating to non-public housing units acquired by the PHA for homeownership purposes (*see* § 906.41(a)(2)). The NPRM would have attempted to restrict non-public housing properties from being developed privately with the intent that they be sold to the PHA. HUD now believes that such a provision would not only be difficult to police but might unduly restrict homeownership opportunities. HUD is only concerned that such units be developed under appropriate conditions. Therefore, in the final rule, § 906.41(a)(2) requires the developer, which developed units under an agreement providing that they would be sold to the PHA, to certify that the units were developed according to Davis-Bacon wage rate requirements and applicable environmental requirements. Section 906.41(a)(8) of the final rule adds a requirement for a market analysis of the potential market for the homeownership units. This requirement will assist HUD in determining the program's feasibility under § 906.45(a).

The final rule revises § 906.45(b) to be consistent with § 906.40(f). Thus, the HUD review criteria in § 906.45 now include a certification of counsel for the PHA that the program meets legal requirements, rather than simply a general statement that the program must meet legal requirements.

HUD has revised proposed §§ 906.47 and 906.49 to clarify the intent that properties to be sold may be identified and subject to environmental reviews after the homeownership program is conditionally approved by HUD, rather than requiring the PHA to identify and fully review all properties beforehand. However, no specific sites or units can be finally approved for the homeownership program, and the PHA cannot commit to purchase or sell such sites or units, or commit funds for their construction and rehabilitation, until all applicable environmental requirements have been satisfied. HUD's regulations at 24 CFR 50.3(h) of this title provide for this possibility in the case where HUD performs the environmental review, which is reflected in the rule in order to make implementation of a homeownership program more efficient. In cases where a responsible entity performs the review under 24 CFR part 58, HUD believes that a similar approach is warranted. The environmental provisions in § 906.47 have also been revised to clarify which environmental procedures apply for different situations that may arise under this program.

HUD has decided to allow homeownership assistance under section 8(y) of the 1937 Act, 42 U.S.C. 1437f(y) (the section 8(y) program or section 8(y) assistance), to be used in conjunction with a homeownership program pursuant to this rule. Accordingly, amendments have been made throughout this final rule where necessary to specifically allow such use of section 8(y) assistance. Section 906.5(b)(3) includes section 8(y) assistance among the assistance that a PHA may provide to a family purchasing a unit under the section 32 program. Such a family must meet the requirements of both programs, and the section 8(y) assistance must be provided under the 8(y) program rules. Section 906.7(b) specifies that a unit receiving such assistance must be an eligible unit for purposes of the section 8(y) implementing regulations at 24 CFR part 982, subpart M. If section 8(y) assistance is to be provided, a certificate of compliance with the 8(y) program is among the required supporting documentation in § 906.40 (see § 906.40(h)).

The section 32 program provides for the participation of purchase and resale entities (PREs), who may, under the requirements of § 906.19, purchase units for later resale to eligible low-income families. PREs may be, for example, non-profit housing organizations, community development corporations (CDCs), and private developers involved with public housing mixed-finance transactions that would administer 5-year lease-purchase programs.

Finally, in § 906.19(b)(7) and in § 906.40(e), which are sections referencing civil rights obligations, HUD has included cross-references to 24 CFR 5.105(a), which is the HUD regulation that lists applicable civil rights requirements.

Other specific issues have been addressed in responses to public comments, which are summarized below.

V. Public Comments on the NPRM

The NPRM, in addition to seeking comments on the rule generally, invited comments on whether HUD should specify underwriting standards or the types of documents to be used to secure that HUD's investment in a property ultimately serves program purposes. HUD received 12 public comments. This section of the preamble presents a summary of the significant issues raised by the public commenters on the NPRM, and HUD's responses to those comments.

Comment: Four commenters questioned or made comments regarding the interplay between other homeownership programs and the new section 32 program.

A. One commenter asked whether a portion of an existing 5(h) homeownership program can be converted to a section 32 program.

HUD Response. Proposed § 906.3(b) states that ''A PHA may convert an existing homeownership program to a homeownership program under this part with HUD approval.'' HUD believes that nothing prohibits converting specified units or developments from an existing homeownership program to the section 32 program, so long as all HUD approval requirements are met, including resident consultation as provided in proposed § 906.39(e). This final rule makes a clarifying amendment to proposed § 906.3(b).

B. One commenter asked whether a PHA may operate two separate homeownership programs under the new rule.

HUD Response. Nothing in the statute or this rule purports to prohibit a PHA from operating separate homeownership programs. HUD does not believe any amendment to the NPRM is necessary as a result of this comment.

C. One commenter asked how existing homeownership programs (other than 5(h) or Turnkey III) previously approved by HUD but not yet achieving financial closing, are to be treated under the new rule.

HUD Response. This rule does not cover any other homeownership programs in any express or implied manner, but is limited to the requirements of the section 32 homeownership program. HUD does not believe any amendment to the NPRM is necessary as a result of this comment.

D. One commenter stated that PHAs that currently operate an existing HUD-approved homeownership program should not be required to obtain separate approval for operating a homeownership program under this rule.

HUD Response. Congress has explicitly mandated HUD approval, whether or not the PHA already has a homeownership program. *See* 42 U.S.C. 1437z–4(a), which states that ''an agency may transfer a unit pursuant to a homeownership program only if the program is authorized under this section and approved by the Secretary.'' Therefore, HUD has made no change as a result of this comment.

Comment: Four commenters questioned either the types of dwelling units that may be sold or the homeownership interest that may be conveyed.

A. One commenter stated that the types of permissible dwelling units defined in proposed § 906.5 should be revised to explicitly include newly constructed housing.

HUD Response. Proposed § 906.5 does not purport to specifically list the types of units that may be sold, but rather sets forth a definition applicable to all units that may be sold in the program. These are units that are either public housing or non-public housing units that have received or will be sold using 1937 Act funds. If a newly constructed unit meets one of these requirements and all other applicable requirements, the unit can be sold in the program. Therefore, no change is made in response to this comment.

B. Two commenters stated that the list of ownership interests that may be conveyed in proposed § 906.25 should be expanded to include leasehold interests and cooperative housing, and another commenter raised a question regarding whether a ''shared appreciation interest'' may be sold only with PHA financing.

HUD Response. The NPRM provides that the homeownership program may convey ''any ownership interest that the PHA considers appropriate.'' With respect to cooperative and other forms of ownership interest, nothing in the list of examples is meant to be exclusive. Therefore, there is no need to add additional specific types of ownership interests to the list of examples. HUD has added the clause ''but not limited to'' after the word ''including'' to clarify this intent.

With respect to leasehold interests, a pure leasehold is not generally considered a homeownership interest and would not be included. However, sale via a bona fide lease-purchase arrangement would be permissible, and HUD is making a change to § 906.39 to permit such sales.

Comment: Two commenters suggested changes to proposed § 906.7, which sets forth the physical condition standards for units offered for sale.

A. One commenter stated that property should be required to meet Real Estate Assessment Center (''REAC'') guidelines.

HUD Response. For housing that will, once it is sold, no longer receive funding under an ACC, HUD believes that the local code standards (or, if none exist, the Housing Quality Standards used in the Housing Choice Voucher program under 24 CFR part 982) are more appropriate. In addition, the current proposed § 906.7 is essentially similar to the parallel section in HUD's 5(h) program regulations, albeit slightly more stringent in that § 906.7 eliminates an escape clause for assurances of future repairs. Congress has generally approved HUD's implementation of the 5(h) program, and patterned the new statutory section 32 after the 5(h) regulations. (*See* 64 FR 49932.) Thus, HUD has made no change as a result of this comment.

B. One commenter stated that the rule should clarify the relationship between local code standards and the physical requirements for public housing.

HUD Response. Proposed § 906.7 provides that a property offered for sale must meet local code requirements or, if no local code exists, housing quality standards established by HUD under 24 CFR part 982. HUD believes that this description of the relationship between local code and public housing standards does not require further clarification. In addition, this final rule adds in § 906.7(a) a more precise description and citations for the lead paint requirements.

Comment: Two commenters stated that the final rule should address ''the fact that the ACC subsidy that is attached to the particular unit that is sold could be transferred to another unit being brought on line'' by the PHA.

HUD Response. Section 32 does not provide a basis for changing the ordinary public housing development requirements in part 941 of this title. Once the property is sold and the ACC terminates, as long as the PHA is under the total development limit set forth in 24 CFR 941.102(c), the PHA can develop another unit according to the normal development requirements. HUD has made no change as a result of this comment.

Comment: One commenter stated that the right of first refusal should be extended to residents of non-public housing units in the program.

HUD Response. Section 32 expressly grants the right of first refusal to residents occupying a public housing unit, but has made no similar provision for residents of non-public housing units. Non-public housing residents are entitled to Uniform Relocation Act benefits (*See* 49 CFR part 24 and part 42 of this title.) (*See* also proposed § 906.24). Therefore, HUD has made no change as a result of this comment.

Comment: Four commenters suggested changing or eliminating the down payment requirement in proposed § 906.15(c).

A. Two commenters stated that the down payment requirement of 1 percent should be calculated based on the mortgage amount, rather than the purchase price.

HUD Response. The statute explicitly directs that the family must contribute not less than 1 percent of the purchase price from its own resources. (*See* 42 U.S.C. 1437z–4(g)(2)). Therefore, HUD has made no change as a result of these comments.

B. One commenter stated that the down payment requirement could reduce the number of potential home buyers and should be determined at the local level, and another commenter stated that it should be removed because ''it is too difficult to enforce.''

HUD Response. In addition to the fact that the down payment requirement is statutory, HUD disagrees with the premise of the comment. HUD believes that there are sufficient mechanisms built into the mortgage process, the recordkeeping and audit requirements of § 906.33, and the requirement under § 906.40 to submit supporting documentation, including documentation of the financing, to reasonably ensure compliance with the requirement.

Comment: Ten commenters opposed the requirement in proposed § 906.15(a) that families purchasing units in the program be low-income families. These commenters recommended that the final rule adopt the eligibility requirements of the 5(h) program. The commenters' reasons included: The restriction would disqualify families who have participated in Family Self-Sufficiency and other programs designed to raise their incomes; if higher-income residents could purchase units, the PHA could make public housing units available to lower-income families who truly need them; and the limitation might conflict with the ceiling rent option.

HUD Response. The statute establishes the requirement that only low-income families and PREs are eligible to purchase units through the program. (*See* 42 U.S.C. 1437z–4(c)(1).) Therefore, HUD has made no change as a result of this comment.

Comment: Two commenters stated that proposed § 906.15(c) should be more specific as to financial capacity requirements for purchasing families. One of these commenters stated that § 906.8(e)(1) of the current 5(h) homeownership regulations in this title should be retained. That section provides that ''[o]n an average monthly estimate, the applicant's payments for mortgage principal and interest, plus insurance, real estate taxes, utilities and other recurring homeownership costs . . . [must] not exceed . . . 35 percent of the applicant's adjusted income,'' taking into account any subsidy that will be available to the applicant for such payments. The other commenter stated that the final rule should provide guidance to PHAs on establishing an affordability ratio based on various homeownership costs, including factors to be taken into account, methods for calculating affordability and maximum percentages.

HUD Response. The statute does not prohibit HUD from setting financial capacity guidance. HUD agrees that the guidance provided in the 5(h) regulations was reasonable and workable in practice, in that it set a baseline standard to insure that PHAs sell units to families that can afford the debt burden involved in owning them. Such a guideline will help to insure that the program is successful in the long term. Therefore, HUD has integrated the financial capacity rule from the 5(h) regulations into the final rule. *See* 24 CFR 906.15(c).

Comment: Two commenters stated that the requirement of proposed § 906.15(b) that the dwelling unit sold to a family must be used as the principal residence of the family fails to take into account the possibility that a family may purchase a duplex and rent out the second unit.

HUD Response. The statute requires that units be purchased ''for use only as principal residences.'' (*See* 42 U.S.C. 1437z–4(a).) In addition, a PHA may only provide assistance to families under the statute to assist them in purchasing a principal residence. (*See* 42 U.S.C. 1437z–4(k).) Therefore, the statute precludes the type of duplex sales suggested by the comment, and the rule retains this requirement and makes it enforceable through a deed restriction or covenant running with the land. (*See* 24 CFR 906.39(n).)

Comment: Two commenters questioned provisions relating to PREs in proposed § 906.19.

A. The commenters suggested that the final rule should provide for the lifting of the deed restriction required in proposed § 906.19(c) upon the resale by the PRE to the low-income family to prevent encumbering the purchasing family.

HUD Response. The specific deed restriction to which this comment refers is an encumbrance only on the PRE's title, not that of the subsequent purchasing family (although it should be kept in mind that there are continuing restrictions on resale by the family under section 32(i), 42 U.S.C. 1437z-4(i)). HUD has made no changes as a result of this comment.

B. The commenters requested a provision for a waiver if the PRE cannot sell a unit ''due to a condition that is outside the control of the PRE'' of the requirement in proposed § 906.19(d) that the PRE agree to transfer ownership of a unit to the PHA if it fails to resell the unit under the program within 5 years.

HUD Response. The statute requires that a PRE ''shall sell'' units within 5 years from the date of its acquisition of the units (*see* 42 U.S.C. 1437z-4(c)(2). Thus, HUD has no leeway to extend this time limit. By requiring a reversion if the PRE violates this statutory requirement, HUD has chosen what it believes to be the best means available to enforce this requirement. Therefore, HUD has made no changes as a result of this comment.

C. The commenters asked that the final rule clarify whether a unit that is transferred to a PRE retains its ACC contract subsidy.

HUD Response. Proposed § 906.9(b) states that, upon sale, HUD will execute a release of the title restrictions imposed by the ACC and the property will no longer be subject to the ACC. On its face, this proposed language applied to all sales, including to PREs. This is true if the PRE operates the property as non-public housing. However, if the transfer takes place in accordance with regulatory requirements for maintaining the unit as public housing, and if the PRE operates the units as public housing during the interim period before final sale, it would be subject to requirements of the 1937 Act, including that the unit be sold to low-income families, that Davis-Bacon wage requirements apply to work such as repair, rehabilitation, or modification for the purposes of accessibility, that HUD-determined wage rates apply to routine and nonroutine maintenance, and that the unit be operated in accordance with public housing rules and requirements. This final rule amends §§ 906.9 to specify that the release applies to PREs operating the units as non-public housing.

Comment: Two commenters raised issues regarding the protections for non-purchasing residents.

A. Proposed § 906.23 provides, as one of the protections for residents who are displaced because of a sale under the program, that the residents will receive counseling regarding their rights to comparable housing. ''Comparable housing'' includes housing that meets housing quality standards. One commenter requested clarification regarding the relationship between housing quality standards and the HUD physical requirements applicable to housing units. The same commenter stated that local code requirements and physical requirements for public housing may be inconsistent.

HUD Response. In HUD's regulations, housing quality standards generally refer to the standards for decent, safe, and sanitary housing in good repair. These standards are well described in HUD's regulations (*see* 24 CFR 982.401). HUD does not believe that further clarification of the term in this rule is necessary.

As to the comment regarding inconsistency between physical requirements for public housing and local code requirements, proposed § 906.7 clarifies that relationship.

B. One commenter suggested that the URA protection granted by proposed § 906.24 to residents of non-public housing who are displaced by a sale under the program, be extended to public housing residents.

HUD Response. Section 32 of the U.S. Housing Act provides specifically for protections for non-purchasing public housing residents, including relocation assistance. (*See* 42 U.S.C. 1437z–4(e).) HUD believes that Congress intended for these protections exclusively to apply to the relocation of non-purchasing public housing residents, rather than the URA, and so has not adopted the suggested change. Non-public housing residents displaced by a sale are entitled to protections under the URA.

Comment: Three commenters suggested changes to proposed § 906.27, ''Limitations applicable to net proceeds on the sale of a property acquired through a homeownership program.'' One commenter argued that the rule should not specify the time period during which appreciation may be recaptured by the PHA to help ''curb speculation and . . . enable the state to preserve and recover a fair return on the state's resources upon resale, transfer, and rental of the property.'' Another commenter stated that the required resale period should be increased to 10 years ''to secure a reduction in real estate taxes to assist in the affordability of housing'' for new homeowners. A third commenter stated that recapturing the difference between the cost of construction and the sale price is a disincentive to potential purchasers.

HUD Response. Regarding the first two comments on the time period for resale with recapture, the statute sets 5 years as the time period during which the PHA may recapture some or all of the economic gain derived from such resale. Since the time period is statutory, HUD cannot alter or eliminate the time period. As to the third of these comments, the statute provides for recapture; however, the PHA need not recapture all the net proceeds, but may recapture a portion that it deems appropriate based on the factors it considers. These factors may include such things as the equity contribution of the purchasing family and the time elapsed prior to the sale. Also, the rule is now more flexible in this area since it has been revised to permit recapture of ''all or a portion'' of assistance provided.

Comment: Two commenters noted that proposed § 906.27(c), which provides for an appraisal by a certified appraiser within 1 month before the resale, does not specify who pays for the appraisal. These commenters requested clarification.

HUD Response. HUD has eliminated this requirement from the rule as it has produced unnecessary confusion. Appraisals related to a resale by the family would be governed by the normal rules of the marketplace, under which an appraisal would ordinarily be required by the buyer or buyer's lender. Allocation of the costs of appraisal would follow normal practice.

Comment: Two commenters opposed the requirement in proposed § 906.31 that PHAs use proceeds of sales for purposes related to low-income housing, stating that by restricting the use of proceeds in this manner, the PHA would be prohibited from using the proceeds to develop programs for low-income families such as economic development programs, children's activity programs, gang related prevention programs, and scholarship programs.

HUD Response. The language in the rule is mandated by the statute (*see* 42 U.S.C. 1437z–4(j)). HUD believes that the phrase ''for purposes related to low-income housing'' is flexible and would include programs that would assist the residents of low-income housing as long as they are in accordance with the PHA's plan and otherwise lawful. For example, ''purposes related to low-income housing'' could include purposes related to the section 8(y) homeownership program. HUD has not made any change as a result of this comment.

Comment: One commenter asked what Davis-Bacon and HUD wage rate requirements apply to new construction in the program.

HUD Response. Section 906.37 is revised to clarify the applicability of Davis-Bacon and HUD wage rates. Applicability of rates for rehabilitation, repairs, and accessibility modifications performed by, or under contract with, the PHA; new construction of non-public housing units pursuant to a contract for acquisition for use in a homeownership program; and operation, rehabilitation, and repair of units operated as public housing units by a PRE pending sale is specified. Davis-Bacon wage rates are rates not less than the wage rates prevailing in the locality for workers in specified categories, as determined by the Secretary of Labor pursuant to the Davis-Bacon Act, 40 U.S.C. 276a–276a–5. HUD wage rates are rates adopted by HUD pursuant to section 12 of the 1937 Act, 42 U.S.C. 1437j. (*See* 24 CFR 968.110(e).)

Comment: Three commenters suggested additions to proposed § 906.39, which sets forth the required components of a homeownership program.

A. Two commenters suggested that the homeownership program should be required to include a description of the method of sale that will be used, such as fee simple, lease-purchase, etc.

HUD Response. HUD agrees and has amended the NPRM to so indicate. (*See* 24 CFR 906.39(a).)

B. Proposed § 906.39(c) (final rule § 906.39(d)) requires an affirmative fair housing marketing strategy (AFHM) for families who are not public housing or section 8 residents and are not on the PHA's waiting lists, if such families are eligible for the PHA's homeownership program. One commenter stated that the rule should specify what constitutes an acceptable fair housing marketing strategy.

HUD Response. HUD Directive 8025.1 rev-2, *Implementing Affirmative Fair Housing Marketing Requirements,* gives detailed guidelines regarding implementing AFHMs. In addition, each AFHM plan must be tailored to the local situation, and each local situation cannot be adequately addressed through a regulation of general applicability. Finally, PHAs already have experience with AFHM plans in other contexts, and are best positioned to implement appropriate AFHM strategies. Thus, HUD has made no changes as a result of this comment.

Comment: Among the documents that proposed § 906.41 requires to be submitted as supporting documentation for the proposed homeownership program is an opinion from the PHA's legal counsel that the proposed program complies with all Federal and local laws and regulations. One commenter suggested that HUD, rather than the

PHA's counsel, should provide the certification.

HUD Response. It is the responsibility of the PHA to determine that the program that it has submitted for approval complies with law, particularly given the variety of state and local laws that conceivably could apply. HUD has given this comment careful consideration, but declines to revise the rule to incorporate it. The requirement for a legal opinion is found at § 906.40(f) of this final rule.

Comment: The preamble to the September 14, 1999, NPRM specifically invited comments on whether HUD should specify underwriting standards or the types of documents to be used to secure that the investment of HUD funds in a property ultimately serves program purposes (*see* 64 FR 49932, third column). Four commenters responded that HUD should not specify underwriting standards or the types of documents to be used. These commenters stated the local mortgage industry should retain the discretion to provide loan products needed for the success of low-income homeownership programs. One commenter stated that cooperatives should be able to set their own requirements on the basis of their unique circumstances.

HUD Response. Pursuant to these comments, HUD has not at this time implemented specific underwriting standards or types of documents required. However, if, after further experience, it becomes clear that questionable practices are occurring or that standardized practices will enhance the program, HUD will propose further regulations in this area.

Findings and Certifications

Paperwork Reduction Act Statement

The information collection requirements contained in §§ 906.17, 906.19, 906.33, 906.39, 906.40 (906.41 in the NPRM), 906.41, and 906.49 of this rule have been approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), and assigned OMB control number 2577–0233. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

Executive Order 12866

The Office of Management and Budget (OMB) reviewed this final rule under Executive Order 12866, *Regulatory Planning and Review.* OMB determined that this final rule is a ''significant regulatory action,'' as defined in section 3(f) of the Order (although not economically significant, as provided in section 3(f)(1) of the Order). Any changes made to the final rule subsequent to its submission to OMB are identified in the docket file, which is available for public inspection in the office of the Department's Rules Docket Clerk, Room 10276, 451 Seventh Street, SW., Washington, DC 20410–0500.

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed and approved this final rule, and in so doing certifies that this rule will not have a significant economic impact on a substantial number of small entities. The rule provides the parameters for the use of public housing properties to create homeownership opportunities for low-income residents of public housing and other low-income families should a public housing agency choose to do so with, at most, an incidental effect on small entities.

Environmental Impact

At the time of publication of the proposed rule, a finding of no significant impact with respect to the environment was made in accordance with HUD regulations in 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The proposed rule is adopted by this final rule without significant change. Accordingly, the initial finding of no significant impact remains applicable, and is available for public inspection between 8 a.m. and 5 p.m. weekdays in the office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, Room 10276, 451 Seventh Street, SW., Washington, DC 20410.

Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on state and local governments and is not required by statute, or the rule preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This rule would not have federalism implications and would not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the Executive Order.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4; approved March 22, 1995) (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments, and on the private sector. This final rule does not impose any Federal mandates on any state, local, or tribal governments, or on the private sector, within the meaning of the UMRA.

List of Subjects in 24 CFR Part 906

Grant programs—housing and community development, Low- and moderate-income housing, Public housing, Reporting and recordkeeping requirements.

The Catalogue of Federal Domestic Assistance number for the public housing program is 14.850.

For the reasons discussed in the preamble, HUD revises part 906 of title 24 to read as follows:

PART 906—PUBLIC HOUSING HOMEOWNERSHIP PROGRAMS

Subpart A—General

Sec.

Authority: 42 U.S.C. 1437z–4 and 3535(d).

Subpart A—General

§ 906.1 Purpose.

(a) This part states the requirements and procedures governing public housing homeownership programs involving sales of individual dwelling units to families or to purchase and resale entities (PREs) for resale to families carried out by public housing agencies (PHAs), as authorized by section 32 of the United States Housing Act of 1937 (42 U.S.C. 1437z–4) (1937 Act). A PHA may only transfer public housing units for homeownership under a homeownership program approved by HUD under this part, except as provided under § 906.3. This section does not govern new construction or substantial rehabilitation of units sold under this part. Such construction or rehabilitation is governed by the public housing development and modernization regulations.

(b) Under a public housing homeownership program, a PHA makes available for purchase by low-income families for use as their principal residences public housing dwelling units, public housing developments, and other housing units or developments owned, assisted, or operated, or otherwise acquired by the PHA for sale under a homeownership program in connection with the use of assistance provided under the 1937 Act (1937 Act funds). A PHA may sell all or a portion of a property for purposes of homeownership in accordance with a HUD-approved homeownership program, and in accordance with the PHA's annual plan under part 903 of this title.

§ 906.2 Definitions.

Annual Contributions Contract (ACC) is defined in 24 CFR 5.403.

Low-income family is defined in the 1937 Act, 42 U.S.C. 1437a(b)(2).

Non-public housing unit means a housing unit that does not receive assistance under the 1937 Act (other than Section 8 assistance).

PHA Plan means the 5-year or annual plan required under section 5A of the 1937 Act, 42 U.S.C. 1437c–1, and its implementing regulations at 24 CFR part 903.

Purchase and Resale Entity (PRE) means an entity that acquires units for resale to low-income families in accordance with this part.

§ 906.3 Requirements applicable to homeownership programs previously approved by HUD.

(a) Any existing section 5(h) or Turnkey III homeownership program continues to be governed by the requirements of part 906 or part 904 of this title, respectively, contained in the April 1, 2002, edition of 24 CFR, parts 700 to 1699. The use of other program income for homeownership activities continues to be governed by agreements executed with HUD.

(b) A PHA may convert an existing homeownership program, or a specific number of the units in such a program, to a homeownership program under this part with HUD approval.

Subpart B—Basic Program Requirements

§ 906.5 Dwelling units and types of assistance that a PHA may make available under a homeownership program under this part.

(a) A homeownership program under this part may provide for sale of:

(1) Units that are public housing units; and

(2) Other units owned, operated, assisted, or acquired for homeownership sale and that have received the benefit of 1937 Act funds or are to be sold with the benefit of 1937 Act funds (non-public housing units). In selecting such units to be sold in a homeownership program under this part, the PHA shall not select units such that it could not comply with § 906.7(a).

(b) A homeownership program under this part may provide for financing to eligible families (*see* § 905.15 of this title) purchasing dwelling units eligible under paragraph (a) of this section under the program, or for acquisition of housing units or developments by the PHA for sale under the program.

(1) Under this part, a PHA may use assistance from amounts it receives under the Capital Fund under section 9(d) of the 1937 Act or from other income earned from its 1937 Act programs to provide assistance to public housing residents only to facilitate the purchase of homes (*e.g.*, counseling, closing costs, that portion of the down payment not required to be supplied from the purchaser's funds under the provisions of § 906.15(c), financing, and moving assistance). Public housing residents may use such assistance to purchase the unit in which they reside, another public housing unit, or a residence not located in a public housing development.

(2) A PHA may provide financing assistance for other eligible purchasers from other income, *i.e.*, funds not from 1937 Act programs, such as proceeds from selling public housing units, loan repayments, and public housing debt forgiveness funding not already committed to another purpose.

(3) In accordance with the rules and regulations governing the Section 8(y) Homeownership Option, found in 24 CFR part 982 subpart M, a PHA may make its housing choice voucher funds available to provide assistance to a family purchasing a unit under this part. A family receiving assistance under the Section 8(y) program and participating in a homeownership program under this part must meet the requirements of both programs.

(c) A PHA must not use 1937 Act funds to rehabilitate units that are not public housing units.

§ 906.7 Physical requirements that a property offered for sale under this part must meet.

(a) *Property standards.* A property offered for sale under a homeownership program must meet local code requirements (or, if no local code exists, the housing quality standards established by HUD for the Section 8 Housing Choice Voucher Program, 24 CFR part 982) and the relevant requirements of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821–4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851–4856), and the implementing regulations at 24 CFR part 35, subparts A, B, L, and R of this title. When a prospective purchaser who has known disabilities, or who has a family member with known disabilities requires accessible features, the features must be added as a reasonable accommodation to the disability, in accordance with the requirements of § 8.29 of this title. Further, the property must be in good repair, with the major components having a remaining useful life that is sufficient to justify a reasonable expectation that homeownership will be affordable by the purchasers. These standards must be met as a condition for conveyance of a dwelling to an individual purchaser.

(b) A unit in this program for which the purchasing family is receiving assistance under Section 8(y) must be an eligible unit for purposes of the Homeownership Option under 24 CFR part 982, subpart M.

§ 906.9 Title restrictions and encumbrances on properties sold under a homeownership program.

(a) If the property is subject to indebtedness under the Annual Contributions Contract (ACC), HUD will continue to make any debt service contributions for which it is obligated under the ACC, and the property sold will not be subject to the encumbrance of that indebtedness.

(b) Upon sale of a public housing unit to a public housing tenant or eligible family, or to a PRE operating the units as non-public housing, in accordance with the HUD-approved homeownership program, HUD will execute a release of the title restrictions prescribed by the ACC. Because the property will no longer be subject to the ACC after sale, it will cease to be eligible for public housing Operating Fund or Capital Fund payments.

Subpart C—Purchaser Requirements

§ 906.11 Eligible purchasers.

Entities that purchase units from the PHA for resale to low-income families (purchase and resale entities or PREs) and low-income families are eligible to purchase properties made available for sale under a PHA homeownership program.

§ 906.13 Right of first refusal.

(a) In selling a public housing unit under a homeownership program, the PHA or PRE must initially offer the unit to the resident occupying the unit, if any, notwithstanding the requirements of §§ 906.15(a) and 906.15(c).

(b) This program does not require the PHA, when selling a unit that is a non-public housing unit, to offer the unit for sale first to the current resident of the unit.

§ 906.15 Requirements applicable to a family purchasing a property under a homeownership program.

(a) *Low-income requirement.* Except in the case of a PHA's offer of first refusal to a resident occupying the unit under § 906.13, a family purchasing a property under a PHA homeownership program must be a low-income family, as defined in section 3 of the 1937 Act (42 U.S.C. 1437a), at the time the contract to purchase the property is executed.

(b) *Principal residence requirement.* The dwelling unit sold to an eligible family must be used as the principal residence of the family.

(c) *Financial capacity requirement.* Eligibility must be limited to families who are capable of assuming the financial obligations of homeownership, under minimum income standards for affordability, taking into account the unavailability of public housing operating subsidies and modernization funds after conveyance of the property by the PHA. A homeownership program may, however, take account of any available subsidy from other sources. Under this affordability standard, an applicant must meet the following requirements:

(1) *Cost/income ratio.* On an average monthly estimate, the amount of the applicant's payments for mortgage principal and interest, plus insurance, real estate taxes, utilities, maintenance, and other regularly recurring homeownership costs (such as condominium, cooperative, or other homeownership association fees) will not exceed the sum of:

(i) 35 percent of the applicant's adjusted income as defined in 24 CFR part 913; and

(ii) Any subsidy that will be available for such payments;

(2) *Down payment requirement.* Each family purchasing housing under a homeownership program must provide a down payment in connection with any loan for acquisition of the housing, in an amount determined by the PHA or PRE, in accordance with an approved homeownership program. Except as provided in paragraph (c)(3) of this section, the PHA or PRE must permit the family to use grant amounts, gifts from relatives, contributions from private sources, and other similar amounts in making the down payment;

(3) The family must use its own resources other than grants, gifts, contributions, or similar amounts, to contribute an amount of the down payment that is not less than one percent of the purchase price of the housing. The PHA or PRE must maintain records that are verifiable by HUD through audits regarding the source of this one percent contribution.

(d) *Other requirements established by the PHA.* A PHA may establish requirements or limitations for families to purchase housing under a homeownership program, including but not limited to requirements or limitations regarding:

(1) Employment or participation in employment counseling or training activities;

(2) Criminal activity;

(3) Participation in homeownership counseling programs; and

(4) Evidence of regular income.

§ 906.17 PHA handling of homeownership applications.

Families who are interested in purchasing a unit must submit applications to the PHA or PRE for that specific purpose, and those applications must be handled separately from applications for other PHA programs. Application for homeownership must not affect an applicant's place on any other PHA waiting list for rental units.

§ 906.19 Requirements applicable to a purchase and resale entity (PRE).

(a) *In general.* In the case of a purchase of units for resale to low-income families by a PRE, the PHA must have an approved homeownership program that describes the use of a PRE to sell the units to low-income families within 5 years from the date of the PRE's acquisition of the units.

(b) *PRE requirements.* The PHA must demonstrate in its homeownership program that the PRE has the necessary legal capacity and administrative capability to carry out its responsibilities under the program. The PHA's homeownership program also must contain a written agreement (not required to be submitted as part of the homeownership plan) that specifies the respective rights and obligations of the PHA and the PRE, and which includes:

(1) Assurances that the PRE will comply with all provisions of the HUD-approved homeownership program;

(2) Assurances that the PRE will be subject to a title restriction providing that the property must be resold or otherwise transferred only by conveyance of individual dwellings to eligible families, in accordance with the HUD-approved homeownership program, or by reconveyance to the PHA, and that the property will not be encumbered by the PRE without the written consent of the PHA;

(3) Protection against fraud or misuse of funds or other property on the part of the PRE, its employees, and agents;

(4) Assurances that the resale proceeds will be used only for the purposes specified by the HUD-approved homeownership program;

(5) Limitation of the PRE's administrative and overhead costs, and of any compensation or profit that may be realized by the PRE, to amounts that

are reasonable in relation to its responsibilities and risks;

(6) Accountability to the PHA and residents for the recordkeeping, reporting, and audit requirements of § 906.33;

(7) Assurances that the PRE will administer its responsibilities under the plan on a nondiscriminatory basis, in accordance with the Fair Housing Act, its implementing regulations, and other applicable civil rights statutes and authorities, including the authorities cited in § 5.105(a) of this title; and

(8) Adequate legal remedies for the PHA and residents, in the event of the PRE's failure to perform in accordance with the agreement.

(c) *Sale to low-income families.* The requirement for a PRE to sell units under a homeownership program only to low-income families must be recorded as a deed restriction at the time of purchase by the PRE.

(d) *Resale within five years.* A PRE must agree that, with respect to any units it acquires under a homeownership program under this part, it will transfer ownership to the PHA if the PRE fails to resell the unit to a low-income family within 5 years of the PRE's acquisition of the unit.

Subpart D—Program Administration

§ 906.23 Protections available to non-purchasing public housing residents.

(a) If a public housing resident does not exercise the right of first refusal under § 906.13, and the PHA determines to move the tenant for the purpose of transferring possession of the unit, the PHA must provide the notice stated in this section 90 days before the date the resident is displaced, and may not displace the resident, except as stated in paragraph (a)(1) of this section, for the full 90-day period. The PHA:

(1) Must notify the resident residing in the unit 90 days prior to the displacement date, except in cases of imminent threat to health or safety, that:

(i) The public housing unit will be sold;

(ii) The transfer of possession of the unit will not occur until the resident is relocated; and

(iii) Each resident displaced by such action will be offered comparable housing (as defined in paragraph (b) of this section);

(2) Must provide for the payment of the actual costs and reasonable relocation expenses of the resident to be displaced;

(3) Must ensure that the resident is offered comparable housing under paragraph (a)(1)(iii) of this section;

(4) Must provide counseling for displaced residents regarding their rights to comparable housing, including their rights under the Fair Housing Act to choice of a unit on a nondiscriminatory basis, without regard to race, color, religion, national origin, disability, age, sex, or familial status; and

(5) Must not transfer possession of the unit until the resident is relocated.

(b) For purposes of this section, the term "comparable housing" means housing:

(1) That meets housing quality standards;

(2) That is located in an area that is generally not less desirable than the displaced resident's original development; and

(3) Which may include:

(i) Tenant-based assistance (tenant-based assistance must only be provided upon the relocation of the resident to the comparable housing);

(ii) Project-based assistance; or

(iii) Occupancy in a unit owned, operated, or assisted by the PHA at a rental rate paid by the resident that is comparable to the rental rate applicable to the unit from which the resident is vacating.

§ 906.24 Protections available to non-purchasing residents of housing other than public housing.

Residents of non-public housing that would be displaced by a homeownership program are eligible for assistance under the Uniform Relocation Act and part 42 of this title. For purposes of this part, a family that was over-income (*i.e.*, an individual or family that is not a low-income family) at the time of initial occupancy of public housing and was admitted in accordance with section 3(a)(5) of the 1937 Act, is treated as a non-purchasing resident of non-public housing.

§ 906.25 Ownership interests that may be conveyed to a purchaser.

A homeownership program may provide for sale to the purchasing family of any ownership interest that the PHA considers appropriate under the homeownership program, including but not limited to:

(a) Ownership in fee simple;

(b) A condominium interest;

(c) An interest in a limited dividend cooperative;

(d) A shared appreciation interest with a PHA providing financing; or

(e) A leasehold under a bona fide lease-purchase arrangement.

§ 906.27 Limitations applicable to net proceeds on the sale of a property acquired through a homeownership program.

(a) Where the family has owned a unit under this part, the following rules apply:

(1) In this section, the term *gain from appreciation* means the financial gain on resale attributable solely to the home's appreciation in value over time, and not attributable to government-provided assistance or any below-market financing provided under § 906.29.

(2) In this section, the term *net proceeds* means the financial gain on resale received by the seller after satisfying all amounts owing under mortgages, paying closing costs, and receiving an amount equal to the down payment (made from the seller's own funds) and principal payments on the mortgage(s).

(3) A PHA must have a policy that provides for the recapture of net proceeds in an amount that the PHA considers appropriate under the guidelines in this section.

(4) A PHA must have a policy that provides the recapture of the following amounts, if a family resells a homeownership unit it purchased under this part during the 5-year period beginning upon purchase of the dwelling unit:

(i) All or a portion of the gain from appreciation; and

(ii) All or a portion of the assistance provided (which includes below-market financing, but which does not include Section 8(y) assistance used for mortgage payments under this part) under the homeownership program to the family to the extent there are net proceeds, considering the factors the PHA establishes under paragraphs (b)(1)–(7) of this section.

(b) The PHA's program under this part may provide for consideration of any factors the PHA considers appropriate in determining how much of the gain from appreciation and assistance to recapture, including but not limited to the following:

(1) The aggregate amount of assistance provided under the homeownership program to the family;

(2) The contribution of equity by the purchasing family;

(3) The period of time elapsed between purchase by the homebuyer under the homeownership program and resale by the homebuyer;

(4) The reason for resale;

(5) Any improvements made by the family purchasing under the homeownership program;

(6) Any appreciation in the value of the property; and

(7) Any other factors that the PHA considers appropriate in making the recapture determination under this section.

(c) After the expiration of the 5-year period in paragraph (a)(4) of this section, the PHA must recapture all or a portion of the assistance provided under the homeownership program to the family to the extent there are net proceeds.

(d) The PHA must enforce its recapture policy through an appropriate form of title restriction.

§ 906.29 Below-Market sales and financing.

A homeownership plan may provide for below-market purchase prices or below-market financing to enable below-market purchases, or a combination of the two. Discounted purchase prices may be determined on a unit-by-unit basis, based on the particular purchaser's ability to pay, or may be determined by any other fair and reasonable method (*e.g.*, uniform prices for a group of comparable dwellings, within a range of affordability by potential purchases). Below-market financing may include any lawful type of public or private financing, including but not limited to purchase-money mortgages, non-cash second mortgages, promissory notes, guarantees of mortgage loans from other lenders, shared equity, or lease-purchase arrangements.

§ 906.31 Requirements applicable to net proceeds resulting from sale.

(a) *PHA use of net proceeds.* The PHA must use any net proceeds of any sales under a homeownership program remaining after payment of all costs of the sale for purposes relating to low-income housing and in accordance with its PHA plan.

(b) *PRE use of resale net proceeds.* The PHA may require the PRE to return the net proceeds from the resale of the units to the PHA. If the PHA permits the PRE to retain the net proceeds, the PRE must use these proceeds for low-income housing purposes.

(c) *Transfer of unsold unit to PHA.* In a situation where the PRE fails to sell a unit to an eligible family within 5 years, and the provision of § 906.19(d) requiring that the unit be transferred to the PHA applies:

(1) If the unit has not been operated by the PRE as a public housing unit at any time during the 5-year period, the PHA may resell the unit in accordance with this part or any successor homeownership program of the department, or apply to have the unit included in its public housing program, if it meets all statutory and regulatory requirements of the public housing program; or

(2) If the unit has been operated by the PRE as a public housing unit within such a 5-year period, the PHA must return the unit to operation in its regular public housing program.

(d) *Transfer of unsold unit operated as public housing to PHA.* Where the PRE operates the unit as public housing during the 5-year interim period under § 960.40, and fails to sell the unit to an eligible family within such 5-year period and the provision of § 906.19(d) applies, the PHA must return the unit to operation in its regular public housing program.

§ 906.33 Reporting and recordkeeping requirements.

The PHA is responsible for the maintenance of records (including sale and financial records) for all activities incident to implementation of the HUD-approved homeownership program. Where a PRE is responsible for the sale of units, the PHA must ensure that the PRE's responsibilities include proper recordkeeping and accountability to the PHA, sufficient to enable the PHA to monitor compliance with the approved homeownership program and to meet its audit responsibilities. All books and records must be subject to inspection and audit by HUD and the General Accounting Office (GAO). The PHA must report annually to HUD on the progress of each program approved under this part. The PHA must report as part of the Annual Plan process under § 903.7(k) of this title, except for those PHAs under §§ 903.11(c)(1) and (2) of this title who are not required to include information on their public housing homeownership programs in their Annual Plan. Those PHAs must report by providing a description of the homeownership program to HUD, including the cumulative number of units sold.

§ 906.35 Inapplicability of section 18 of the United States Housing Act of 1937.

The provisions of section 18 of the 1937 Act (42 U.S.C. 1437p) do not apply to disposition of public housing dwelling units under a homeownership program approved by HUD under this part, or to the sale of a unit to a PRE to operate as public housing and sell to a low-income family within 5 years, under the requirements of § 906.19.

§ 906.37 Davis-Bacon and HUD wage rate requirements.

(a) *Wage rates applicable to laborers and mechanics.* Wage rate requirements in accordance with § 968.110(e) of this title apply to the following activities:

(1) Rehabilitation, repairs, and accessibility modifications performed under an agreement or contract with the PHA or by the PHA, pursuant to § 906.7. Davis-Bacon or HUD-determined wage rates apply as follows:

(i) Existing public housing units that will be sold under a homeownership program: Davis-Bacon rates apply, except that HUD rates apply to nonroutine maintenance as defined in § 968.105 of this title;

(ii) Non-public housing units acquired by a PHA using Capital Funds that will be sold under a homeownership program: Davis-Bacon rates apply; and

(iii) Non-public housing units owned or acquired by a PHA with the intent to use 1937 Act funds to finance the sale of the units, or otherwise provide assistance to purchasers of the units: Davis-Bacon rates apply;

(2) New construction of non-public housing units pursuant to a contract for acquisition by a PHA for the purpose of sale under a homeownership program: Davis-Bacon rates apply;

(3) Operation, rehabilitation, and repair of units operated as public housing units by a PRE: HUD rates apply to nonroutine maintenance, as defined in § 968.105 of this title, and routine maintenance. Davis-Bacon rates apply to rehabilitation and repair that does not qualify as nonroutine maintenance.

(b) *Technical wage rates.* All architects, technical engineers, draftsmen, and technicians employed in the development of units under a homeownership program shall be paid not less than the HUD-determined wage rates in accordance with § 968.100(f) of this title.

Subpart E—Program Submission and Approval

§ 906.38 Requirement of HUD approval to implement a homeownership program under this part.

A PHA must obtain HUD approval before implementing a homeownership program under this part. A homeownership program under this part must be carried out in accordance with the requirements of this part and the PHA Plan submitted under part 903 of this title.

§ 906.39 Contents of a homeownership program.

A homeownership program must include the following matters, as applicable to the particular factual situation:

(a) *Method of Sale:* The PHA should indicate how units will be sold, including a description of the exact method of sale, such as, for example, fee simple conveyance, lease-purchase, or sale of a cooperative share. PHAs may sell units directly to a tenant or eligible family directly or via a *bona fide* lease-purchase arrangement. The PHA must indicate whether it, or a PRE will sell units to families directly or via such lease-purchase method. If the PHA or PRE will use a lease-purchase method the proposal should indicate the terms of the lease-purchase arrangement. The terms of the lease-purchase arrangement shall include, but are not limited to the periodic documentation to be provided to the family regarding the amount they have accrued toward the down payment, and the length of the lease period (with regard to PREs the sales must be completed within the statutory 5-year period.);

(b) *Property description.* (1) If the program involves only financing assistance to the family purchasing the unit, the PHA need not specify property addresses, but it must describe the area(s) in which the assistance is to be used;

(2) If the PHA is selling existing public housing, it must describe the property, including identification of the property by project number, or street address if there is no project number, and the specific dwellings to be sold, with bedroom distribution by size and type broken down by development;

(3) If the PHA is acquiring units with 1937 Act funds to sell under the program, it must comply with the provisions of § 906.40 concerning this element of the program;

(c) *Repair or rehabilitation.* If applicable, a plan for any repair or rehabilitation needed to meet the requirements of § 906.7, based on the assessment of the physical condition of the property that is included in the supporting documentation. The restriction in 906.5(c) of this part applies to such repair or rehabilitation;

(d) *Purchaser eligibility and selection.* The standards and procedures to be used for homeownership applications and the eligibility and selection of purchasers, consistent with the requirements of § 906.15. If the homeownership program allows application for purchase of units by families who are not presently public housing or Section 8 residents and not already on the PHA's waiting lists for those programs, the program must include an affirmative fair housing marketing strategy for such families, including specific steps to inform them of their eligibility to apply, and to solicit applications from those in the housing market who are least likely to apply for the program without special outreach, including persons with disabilities;

(e) *Sale and financing.* Terms and conditions of sale and financing, including any below-market financing under § 906.29;

(f) *Consultation with residents and purchasers.* A description of resident input obtained during the resident consultation process required by the PHA Plan under part 903 of this title. If the PHA is one whose Plan does not require information regarding homeownership under § 903.11(b)(1) of this title, the PHA must consult with the Resident Advisory Board or Boards regarding the homeownership plan, and provide the information required in this paragraph;

(g) *Counseling.* Counseling, training, and technical assistance to be provided to purchasers;

(h) *Sale via PRE.* If the program contemplates sale to residents by an entity other than the PHA, a description of that entity's responsibilities and information demonstrating that the requirements of § 906.19 have been met or will be met in a timely fashion;

(i) *Non-purchasing residents.* If applicable, a plan for non-purchasing residents, in accordance with § 906.23;

(j) *Sale proceeds.* An estimate of the sale proceeds and an explanation of how they will be used, in accordance with § 906.31;

(k) *Records, accounts, and reports.* A description of the recordkeeping, accounting, and reporting procedures to be used, including those required by § 906.33;

(l) *Budget.* A budget estimate, showing any rehabilitation or repair cost, any financing assistance, and the costs of implementing the program, and the sources of the funds that will be used;

(m) *Timetable.* An estimated timetable for the major steps required to carry out the program;

(n) *Deed restrictions.* A deed restriction or covenant running with the land that will assure to HUD's satisfaction that the requirements of §§ 906.27 and 906.15(b) are met.

§ 906.40 Supporting documentation.

The following supporting documentation must be submitted to HUD with the proposed homeownership program, as appropriate for the particular program:

(a) *Supporting documentation—PREs.* In approving homeownership programs in which the PHA contemplates selling public housing units to a PRE for operation as public housing during the 5 year interim period the department will require evidentiary materials including but not limited to:

(1) Organizational documents of the PRE;

(2) Regulatory and operating agreement between the PHA and PRE regarding the provision of operating subsidy and the operation of the public housing units in accordance with all applicable public housing requirements;

(3) Management agreement and plan;

(4) Financing documents, if any;

(5) A description of the use of operating subsidy during the PRE's period of ownership, in the form of an operating pro forma;

(6) A mixed-finance ACC amendment governing these units;

(7) A deed restriction or covenant running with the land that will assure to HUD's satisfaction that the PRE will operate the units in accordance with public housing laws and regulations, including § 906.19.

(8) A bond for repairs or proof of insurance to cover any damage to the property during the period of PRE ownership and operation;

(9) Such other materials as may be required by HUD.

(b) *Physical assessment.* An assessment of the physical condition of the properties, based on the standards specified in § 906.7;

(c) *Feasibility.* A statement demonstrating the practical feasibility of the program, based on analysis of data on such elements as purchase prices, costs of repair or rehabilitation, accessibility costs, if applicable, homeownership costs, family incomes, availability of financing, and the extent to which there are eligible residents who are expected to be interested in purchase (*See* § 906.45(a));

(d) *PHA performance in homeownership.* A statement of the commitment and capability of the PHA (and any other entity with substantial responsibility for implementing the homeownership program) to successfully carry out the homeownership program. The statement must describe the PHA's (and other entity's) past experience in carrying out homeownership programs for low-income families, and (if applicable) its reasons for considering such programs to have been successful. A PHA that has not previously implemented a homeownership program for low-income families instead must submit a statement describing its experience in carrying out public housing modernization and development projects under part 905 of this title, respectively;

(e) *Nondiscrimination certification.* The PHA's or PRE's certification that it will administer the plan on a nondiscriminatory basis, in accordance with the Fair Housing Act, Title VI of the Civil Rights Act of 1964, Executive Order 11063, other authorities cited in § 5.105(a) of this title, and the implementing regulations, and will assure compliance with those requirements by any other entity that may assume substantial responsibilities for implementing the program;

(f) *Legal opinion.* An opinion by legal counsel to the PHA, stating that counsel has reviewed the program and finds it consistent with all applicable requirements of federal, state, and local law, including regulations as well as statutes. At a minimum, the attorney must certify that the documents to be used will ensure sales only to eligible families under § 906.15, compliance with the 5-year PRE sale guarantee in § 906.19(d), and compliance with the restriction of use of resale proceeds of § 906.27;

(g) *Board resolution.* A resolution by the PHA's Board of Commissioners, evidencing its approval of the program;

(h) *Section 8(y).* In any case where the PHA plans to provide families with assistance under the Section 8(y) homeownership option in connection with homeownership under this part, a certification that the PHA will comply with the requirements of the Section 8(y) statute and implementing regulations;

(i) *Other information.* Any other information that may reasonably be required for HUD review of the program. Except for the PHA–HUD implementing agreement under § 906.49 and the deed restriction required by § 906.39(n), HUD approval is not required for documents to be prepared and used by the PHA in implementing the program (such as contracts, applications, deeds, mortgages, promissory notes, and cooperative or condominium documents), if their essential terms and conditions are described in the program. Consequently, those documents need not be submitted as part of the program or the supporting documentation.

§ 906.41 Additional supporting documentation for acquisition of non-public housing for homeownership.

(a) *Proposal contents.* The PHA must submit an acquisition proposal to the HUD field office for review and approval before its homeownership plan containing acquisition of non-public housing can be approved. This proposal must contain the following:

(1) *Property description.* A description of the properties, including the number of housing units, unit types, and number of bedrooms, and any non-dwelling facilities on the properties to be acquired;

(2) *Certification.* If the housing units were constructed under a contract or an agreement that they be sold to the PHA, a certification that the developer/owner complied with all Davis-Bacon wage rate requirements under § 906.37, including all required contractual provisions and compliance measures, and that the PHA received all applicable HUD environmental approvals and all applicable HUD releases of funds before executing the contract or agreement, in accordance with § 906.47(d).

(3) *Site information.* A description of the proposed general location of the properties to be acquired, or where specific properties have been identified, street addresses of the properties;

(4) *Property costs.* The detailed budget of costs for acquiring the properties, including relocation and closing costs, and an identification of the sources of funding;

(5) *Appraisal.* An appraisal of the proposed properties by an independent, state-certified appraiser (when the sites have been identified);

(6) *Property acquisition schedule.* A copy of the PHA acquisition schedule;

(7) *Environmental information.* (i) The environmental information required by § 906.47(f), where HUD will perform the environmental review under 24 CFR part 50, or a statement identifying the responsible entity that has performed or will perform the review under 24 CFR part 58. This paragraph (a)(7)(i) does not apply to a property where a contract or agreement for sale to the PHA has already been executed and HUD has already given prior approval of the property following environmental review under 24 CFR part 50.

(ii) Where the PHA's homeownership program is submitted for approval to HUD and contemplates acquisition of properties not identified at the time of submission or approval, the procedures at § 906.47(e) apply.

(8) *Market analysis.* An analysis of the potential market of eligible purchasers for the homeownership units.

(9) *Additional HUD-requested information.* Any additional information that may be needed for HUD to determine whether it can approve the proposal.

(b) *Cost limit.* The acquisition cost of each property is limited by the housing cost cap limit, as determined by HUD.

§ 906.43 Where a PHA is to submit a homeownership program for HUD approval.

A PHA must submit its proposed homeownership program together with supporting documentation, in a format prescribed by HUD, to the Special Applications Center with a copy to the appropriate HUD field office.

§ 906.45 HUD criteria for reviewing a proposed homeownership program.

HUD will use the following criteria in reviewing a homeownership program:

(a) *Feasibility.* The program must be practically feasible, with sound potential for long-term success. Financial viability, including the capability of purchasers to meet the financial obligations of homeownership, is a critical requirement.

(b) *Legality.* Counsel for the PHA shall certify that the homeownership program is consistent with applicable law, including the requirements of this part and any other applicable federal, state, and local statutes and regulations, including existing contracts, and HUD shall accept such certification unless HUD has information indicating that the certification is incorrect.

(c) *Documentation.* The program must be clear and complete enough to serve as a working document for implementation, as well as a basis for HUD review.

(d) *PHA performance in homeownership.* The PHA (and any other entity with substantial responsibility for implementing the homeownership program) must have demonstrated the commitment and capability to successfully implement the homeownership program based upon the criteria stated in § 906.41(d).

§ 906.47 Environmental requirements.

(a) *General.* HUD environmental regulations at 24 CFR part 58 apply to this part, unless, under § 58.11 of this title, HUD itself performs the environmental review under 24 CFR part 50. The PHA conducting a homeownership program under this part must comply with this section and part 50 or 58, as applicable.

(b) *Assistance to facilitate the purchase of homes.* Where the PHA's homeownership program involves assistance provided under the 1937 Act solely to assist homebuyers to purchase existing dwelling units or dwelling units under construction, an environmental review is not required under part 58 or part 50 of this title. However, the requirements of § 58.6 or § 50.19(b)(15) of this title are still applicable.

(c) *Public housing units in the PHA's inventory.* Before the PHA rehabilitates or repairs units in its inventory for use for homeownership, or expends or commits HUD or local funds for such activities, the responsible entity must comply with part 58 and the PHA, where required, must submit and receive HUD approval of its request for release of funds, or HUD must have completed any part 50 environmental review and notified the PHA of its approval of the property. HUD may not release funds under this part before the appropriate approval is obtained.

(d) *Units to be acquired with federal funds and used for public housing* *homeownership.* A PHA may not enter into any contract for acquisition of real property to be used in a homeownership program unless the required environmental reviews have been performed and approvals have been obtained.

(e) *Specific units unidentified.* Where the PHA's homeownership program contemplates acquisition of properties not identified at the time of submission, the PHA must certify that it will comply with this section, including paragraph (f) of this section, prior to such acquisition or construction. HUD may conditionally approve such a homeownership program; however, HUD will not give final approval of any site or unit until the required environmental review has been completed.

(f) *Information.* The PHA shall supply all relevant information necessary for the responsible entity, or HUD, if applicable, to perform the environmental review for each property included in the homeownership program, and, if necessary, shall carry out mitigating measures or select alternate eligible properties. Where HUD performs the environmental review, the PHA shall comply with 24 CFR 50.3(h).

(g) *Non-exclusivity.* Nothing in this section relieves the participating PHA, and its partners and contractors, from complying with all requirements of 24 CFR part 50 or part 58, as applicable.

§ 906.49 HUD approval; implementing agreement.

HUD may approve a homeownership program as submitted, conditionally approve it under § 906.47(e), or return it to the PHA for revision and resubmission. Where such conditional approval is given, the PHA, partners, and contractors remain subject to the restrictions in § 906.47. Upon HUD notification to the PHA that the homeownership program is approvable (in final form that satisfies all applicable requirements of this part), the PHA and HUD will execute a written implementing agreement, in a form prescribed by HUD, to evidence HUD approval and authorization for implementation. The program itself, as approved by HUD, must be incorporated in the implementing agreement. Any of the items of supporting documentation may also be incorporated, if agreeable to the PHA and HUD. The PHA is obligated to carry out the approved homeownership program and other provisions of the implementing agreement without modification, except with written approval by HUD.

Dated: March 4, 2003.

Michael M. Liu,

Assistant Secretary for Public and Indian Housing.

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Part V

Department of Housing and Urban Development

24 CFR Part 203

Eligibility of Adjustable Rate Mortgages; Proposed Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 203

[Docket No. FR–4745–P–01]

RIN 2502–AH84

Eligibility of Adjustable Rate Mortgages

AGENCY: Office of Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: Pursuant to a recent statutory revision, this rule makes available new adjustable rate mortgage products for single-family homes tailored to the needs of borrowers. This rule also makes provisions for the frequency and amount of interest rate changes for these new products.

DATES: *Comment Due Date:* May 12, 2003.

ADDRESSES: Interested persons are invited to submit comments regarding this rule to the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–0500. Communications should refer to the above docket number and title. Facsimile (FAX) comments are *not* acceptable. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT: James Beavers, Home Mortgage Insurance Division, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, at (202) 708–2121. Persons with hearing- or speech-impairments may access these numbers via TTY by calling the Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

A. Background

Section 251 of the National Housing Act, 12 U.S.C. 1715z–16 (Section 251) authorizes the Secretary to insure adjustable rate mortgages (ARMs). Congress enacted revisions to this statute in the Veterans Affairs, HUD, and Independent Agencies Appropriations Act for Fiscal Year 2002 (Pub. L. 107–73, approved November 26, 2001; 115 Stat. 651, at 674). Prior to this statutory change, Section 251 permitted the Secretary to insure ARMs where the adjustments: (1) Were made on an annual basis; (2) were, as to each adjustment, limited to an annual cap of 1 percentage point on the outstanding loan balance; and (3) were limited, for the life of the loan, to a maximum increase of 5 percentage points above the initial interest rate.

The recently-enacted revision adds additional categories of ARMs to these pre-existing ones. Under this revision, which adds a new subsection (d) to Section 251, the Secretary may insure ARMs on single-family properties that have interest rates that are fixed for the first three years or more of the mortgage term; that are thereafter adjusted annually; and are not limited to adjustments of one percentage point if the interest rate remains fixed for more than five years.

The new statute also amends the information disclosure requirements of Section 251. HUD must require mortgage lenders to make available to the mortgagor, at the time of applying for an ARM under this section, a written explanation of the features of an adjustable rate mortgage. This explanation must be consistent with the disclosure requirements under the Truth in Lending Act, 15 U.S.C. 1601 *et seq.*, applicable to variable rate mortgages secured by a principal dwelling. The regulation includes this provision; however, the provision would be self-implementing even were it absent from the regulation.

The rate index provisions remain unchanged. As in the statute prior to the recent revisions, the interest rate must be based on a national index approved in regulations, information about which is readily accessible to borrowers from generally published sources.

HUD's current regulations on adjustable rate mortgages eligible for mortgage insurance are found at 24 CFR 203.49. This proposed rule would amend that section.

B. This Proposed Rule

This proposed rule would add a new paragraph (a) between the introductory paragraph and current § 203.49(a), which is redesignated as § 203.49(b). The effect of this paragraph would be to recognize specific categories of adjustable rate mortgages as eligible for insurance, based on the year of the loan in which the rate may first be adjusted. These categories are one, three, five, seven and ten-year ARMs.

Proposed § 203.49(d) would specify the time periods mortgages must be adjusted for each of the different types of ARMs. In each case, in accordance with current practice, the rule proposes a six-month ''window'' for adjustment. In other words, groups of mortgages, the anniversary dates of which fall into a six-month period, can be adjusted together. This is convenient for lenders, and also allows GNMA, when pooling mortgages for purposes of issuing mortgage-backed securities, to have larger pools. For example, if the adjustment date of a particular set of mortgages to be pooled is June 1, 2001, GNMA can include mortgages with adjustment dates going back to January 1, 2001, in the pool. Those January 1 mortgages would not adjust until June 1, 2001. This proposed window for adjustments is a matter of administrative convenience and would not change the fact that five-year ARMs fall under the maximum cap provisions (one percentage point for the annual adjustment and five percent total variance in rates for the life of the loan) in 12 U.S.C. 1715z–16(a).

Proposed § 203.49(e), ''Magnitude of changes,'' is redesignated as § 203.49(f) and revised to take into account the new types of ARMs. Section 203.49(f)(1) covers one, three and five-year ARMs. Following the statutory provisions applicable to adjustable rate mortgages that have an interest rate that is fixed for five or fewer years, adjustments would be limited to a maximum of one percentage point in variance from the prior interest rate. If the underlying index changes more than one percentage point, the rule proposes that the excess amount may not be made up in an adjustment the following year. Finally, the overall total cap in adjustments of five percentage points over the life of the loan from 12 U.S.C. 1715z–16(a) would be implemented in this paragraph. Because of the insertion of new § 203.49(f)(2), described in the following paragraph, new § 203.49(f)(3) contains the material in current § 203.49(e)(2).

Proposed § 203.49(f)(2) would implement the somewhat different requirements for seven and ten-year ARMs. The one-year and total loan adjustment caps do not apply to ARMs in these categories. The proposed rule would permit for these ARMs a change in annual adjustments of up to two percentage points, and the total mortgage change may go up to six percentage points.

Proposed § 203.49(i), redesignated from § 203.49(h) in the current rule, would amend the cross-references to eliminate the cross-reference to mortgage insurance for disaster victims, 24 CFR 203.18(e). The effect of this change is to permit insurance of ARMs under this provision. Finally, technical revisions would be made to § 203.49(i), which is redesignated as § 203.49(j) in this proposed rule.

Other portions of 24 CFR 203.49 are not affected by this rulemaking, and will remain as currently codified in the Code of Federal Regulations.

Findings and Certifications

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed and approved this proposed rule, and in so doing certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule permits greater flexibility in HUD-insured ARMs, thus providing more products for potential homebuyers. This rule imposes no requirements on businesses.

Notwithstanding HUD's determination that this rule does not have a significant economic impact on a substantial number of small entities, HUD specifically invites comment regarding any less burdensome alternatives to this rule that will meet HUD's objectives as described in the preamble.

Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969. This finding is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, Room 10276, 451 Seventh Street, SW., Washington, DC 20410–0500.

Executive Order 13132, Federalism

Executive Order 13132 (entitled "Federalism") prohibits, to the extent practicable and permitted by law, an agency from promulgating a regulation that has federalism implications and either imposes substantial direct compliance costs on state and local governments and is not required by statute, or preempts state law, unless the relevant requirements of section 6 of the Executive Order are met. This rule does not have federalism implications and does not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the Executive Order.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4; approved March 22, 1995) (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments, and on the private sector. This proposed rule does not impose any Federal mandates on any state, local, or tribal governments, or on the private sector, within the meaning of the UMRA.

Regulatory Planning and Review

The Office of Management and Budget (OMB) reviewed this proposed rule under Executive Order 12866 (entitled "Regulatory Planning and Review"). OMB determined that this proposed rule is a "significant regulatory action," as defined in section 3(f) of the Order (although not economically significant, as provided in section 3(f)(1) of the Order). Any changes made to the proposed rule subsequent to its submission to OMB are identified in the docket file, which is available for public inspection in the Office of the Rules Docket Clerk, Room 10276, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC, 20410–0500.

Catalog of Federal Domestic Assistance.

The Catalog of Federal Domestic Assistance numbers applicable to this rule are 14.108, 14.117, and 14.119.

List of Subjects in 24 CFR Part 203

Hawaiian Natives, Home improvement, Indians—lands, Loan programs—housing and community development, Mortgage insurance, Reporting and recordkeeping requirements, Solar energy.

For the reasons stated in the preamble, HUD proposes to amend 24 CFR part 203 as follows:

PART 203—SINGLE FAMILY MORTGAGE INSURANCE

1. The authority citation for 24 CFR part 203 is revised to read as follows:

Authority: 12 U.S.C. 1709, 1710, 1715b, 1715z–16, and 1715u; 42 U.S.C. 3535(d).

2. Section 203.49 is amended as follows:

a. Redesignate paragraphs (a) through (j) as paragraphs (b) through (k) respectively;

b. Add a new paragraph (a); and

c. Revise newly designated paragraphs (d), (f), (g), (i) and (j).

The additions and revisions read as follows:

§ 203.49 Eligibility of adjustable rate mortgages.

* * * * *

(a) *Types of mortgages insurable.* The types of adjustable rate mortgages that are insurable are those for which the interest rate may be adjusted annually by the mortgagee, beginning after one, three, five, seven or ten years from the date of the mortgagor's first debt service payment.

* * * * *

(d) *Frequency of Interest Rate Changes.* (1) The interest rate adjustments must occur annually from the date of the mortgagor's first debt service payment, except, for these types of mortgages, the first adjustment shall be no sooner nor later than the following:

(i) One year adjustable rate mortgages—no sooner than 12 months nor later than 18 months;

(ii) Three year adjustable rate mortgages—no sooner than 36 months nor later than 42 months;

(iii) Five year adjustable rate mortgages—no sooner than 60 months nor later than 66 months;

(iv) Seven year adjustable rate mortgages—no sooner than 84 months nor later than 90 months; and

(v) Ten year adjustable rate mortgages—no sooner than 120 months nor later than 126 months.

(2) To set the new interest rate, the mortgagee will determine the change between the initial (*i.e.*, base) index figure and the current index figure, or will add a specific margin to the current index figure. The initial index figure shall be the most recent figure available before the date of mortgage loan origination. The current index figure shall be the most recent index figure available 30 days before the date of each interest rate adjustment.

* * * * *

(f) *Magnitude of changes.* The adjustable rate mortgage initial contract interest rate shall be agreed upon by the mortgagee and the mortgagor. The first adjustment to the contract interest rate shall take place in accordance with the schedule set forth under paragraph (d) of this section. Thereafter, for all adjustable rate mortgages, the adjustment shall be made annually, subject to the following conditions and limitations:

(1) For one, three and five year adjustable rate mortgages, no single adjustment may result in a change in either direction of more than one percentage point from the interest rate in effect for the period immediately preceding that adjustment. Index changes in excess of one percentage point may not be carried over for inclusion in an adjustment for the following year. Adjustments in the effective rate of interest over the entire term of the mortgage may not result in a change in either direction of more

than five percentage points from the initial contract interest rate.

(2) For seven and ten year adjustable rate mortgages, no single adjustment to the interest rate shall result in a change in either direction of more than two percentage points from the interest rate in effect for the period immediately preceding that adjustment. Index changes in excess of two percentage points may not be carried over for inclusion in an adjustment in a subsequent year. Adjustments in the effective rate of interest over the entire term of the mortgage may not result in a change in either direction of more than 6 percentage points from the initial contract rate.

(3) At each adjustment date, changes in the index interest rate, whether increases or decreases, must be translated into the adjusted mortgage interest rate, except that the mortgage may provide for minimum interest rate change limitations and for minimum increments of interest rate changes.

(g) *Pre-Loan Disclosure*. The mortgagee is required to make available to the mortgagor, at the time of loan application, a written explanation of the features of an adjustable rate mortgage consistent with the disclosure requirements applicable to variable rate mortgages secured by a principal dwelling under the Truth in Lending Act, 15 U.S.C. 1601 *et seq.*

* * * * *

(i) *Cross-reference*. Sections 203.21 (level payment amortization provisions) and 203.44 (open-end advances) do not apply to this section. This section does not apply to a mortgage that meets the requirements of Sections 203.18(a)(4) (mortgagors of secondary residences), 203.18(c) (eligible non-occupant mortgagors), 203.18(d) (outlying area properties), 203.43 (miscellaneous type mortgages), 203.43c (mortgages involving a dwelling unit in a cooperative housing development), 203.43d (mortgages in certain communities), 203.43e (mortgages covering houses in federally impacted areas), 203.45 (graduated payment mortgages), and 203.47 (growing equity mortgages).

(j) *Aggregate amount of mortgages insured*. The aggregate number of adjustable rate mortgages insured pursuant to this section and 24 CFR part 234 in any fiscal year may not exceed 30 percent of the aggregate number of mortgages and loans insured by the Secretary under Title II of the National Housing Act during the preceding year.

* * * * *

Dated: January 9, 2003.

John C. Weicher,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 03–5890 Filed 3–10–03; 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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