

### Subchapter C—Acceptance of Payments for Training

#### PART 304-7—AUTHORITY/ APPLICABILITY

Sec.

304-7.1 What is the purpose of this subchapter?

304-7.2 To whom does this subchapter apply?

304-7.3 Who is exempt from this subchapter?

**Authority:** 5 U.S.C. 4111(b); E.O. 11609, 36 FR 13747, 3 CFR, 1971-1975 Comp., p. 586.

#### § 304-7.1 What is the purpose of this subchapter?

The purpose of this subchapter is to provide for reductions in per diem and other travel reimbursement when employees receive contributions, awards and other payments from non-Federal sources for training in non-Government facilities and attendance at meetings under 5 U.S.C. 4111.

#### § 304-7.2 To whom does this subchapter apply?

This subchapter applies to—

- (a) Civilian officers and employees of—
  - (1) Executive departments as defined in 5 U.S.C. 101;
  - (2) Independent establishments as defined in 5 U.S.C. 104;
  - (3) Government corporations subject to chapter 91 of title 31 U.S.C.;
  - (4) The Library of Congress;
  - (5) The Government Printing Office (GPO);
  - (6) The government of the District of Columbia; and
- (b) Commissioned officers of the National Oceanic and Atmospheric Administration.

#### § 304-7.3 Who is exempt from this subchapter?

The following, under 5 U.S.C. 4102 and the implementing regulation at 5 CFR 410.101(b), are exempt from this subchapter:

- (a) A corporation supervised by the Farm Credit Administration if private interests elect or appoint a member of the board of directors.
- (b) The Tennessee Valley Authority.
- (c) An individual (except a commissioned officer of the National Oceanic and Atmospheric Administration) who is a member of a uniformed service during a period in which he is entitled to pay under 37 U.S.C. 204.
- (d) The U.S. Postal Service, Postal Rate Commission and their employees.

#### PART 304-8—DEFINITIONS

**Authority:** 5 U.S.C. 4111(b); E.O. 11609, 36 FR 13747, 3 CFR, 1971-1975 Comp., p. 586.

#### § 304-8.1 For the purpose of this subchapter, who is a donor?

A donor, for the purpose of this subchapter, is a non-profit charitable organization described by 26 U.S.C. 501(c)(3), that is exempt from taxation under 26 U.S.C. 501(a).

#### PART 304-9—CONTRIBUTIONS AND AWARDS

Sec.

304-9.1 To whom do the pronouns “I”, “you”, and their variants refer throughout this part?

304-9.2 May we allow an employee to accept contributions and awards pertaining to training and payments incident to attendance at meetings under this subchapter?

304-9.3 May we pay an employee for expenses that are fully reimbursed by a donor for training in a non-Government facility, or travel expenses incident to attendance at a meeting?

304-9.4 May we reimburse an employee for training expenses that are not fully paid by a donor?

304-9.5 What if the employee is compensated by a donor and by us for the same expenses?

304-9.6 Must we reduce an employee's reimbursement when a donor pays for items for which we are not authorized to reimburse the employee?

304-9.7 Must we obtain data from employees or donors for all expenses received?

**Authority:** 5 U.S.C. 4111(b); E.O. 11609, 36 FR 13747, 3 CFR, 1971-1975 Comp., p. 586.

#### § 304-9.1 To whom do the pronouns “I”, “you”, and their variants refer throughout this part?

Use of pronouns “I”, “you”, and their variants throughout this part refers to the agency.

#### § 304-9.2 May we allow an employee to accept contributions and awards pertaining to training and payments incident to attendance at meetings under this subchapter?

Yes, you may allow an employee to accept contributions and awards pertaining to training and payments incident to attendance at meetings when you specifically authorize them to do so in accordance with OPM guidelines issued under section 401(b) of Executive Order 11348 (see 5 CFR part 410) and section 303(j) of Executive Order 11348 (3 CFR, 1966-1970 Comp., p. 639). The OPM guidelines may be found at 5 CFR 410.501 through 410.503.

#### § 304-9.3 May we pay an employee for expenses that are fully reimbursed by a donor for training in a non-Government facility, or travel expenses incident to attendance at a meeting?

No, you may not reimburse an employee for expenses that are fully

reimbursed by a donor for training in a non-Government facility, or travel expenses incident to attendance at a meeting.

#### § 304-9.4 May we reimburse an employee for training expenses that are not fully paid by a donor?

Yes, you may reimburse an employee for training expenses that are not fully paid by a donor an amount considered sufficient to cover the balance of expenses to the extent authorized by law and regulation, including 5 U.S.C. 4109 and 5 U.S.C. 4110.

#### § 304-9.5 What if the employee is compensated by a donor and by us for the same expenses?

If you reimburse an employee for expenses that are also paid by a donor, you must establish and carry out policy in accordance with 5 U.S.C. 5514 and the Federal Claims Collection Standards (31 CFR parts 900-904) to recover any excess amount paid to the employee.

#### § 304-9.6 Must we reduce an employee's reimbursement when a donor pays for items for which we are not authorized to reimburse the employee?

No, when a donor pays for travel expenses that the Government is not authorized to pay (such as travel expenses for an employee's family) no reduction in reimbursement to the employee is required.

#### § 304-9.7 Must we obtain data from employees or donors for all expenses received?

Yes, you must set agency policy to ensure collection of expense data in such detail as you deem necessary to carry out this part.

[FR Doc. 03-6126 Filed 3-14-03; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 03-608, MB Docket No. 01-116, RM-10069]

#### Digital Television Broadcast Service and Television Broadcast Service; Hibbing, MN

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Duluth-Superior Area Educational Television Corporation, substitutes DTV channel \*31 for channel \*18 at Hibbing, Minnesota. See 66 FR 32296, June 14, 2001. DTV

channel \*31 can be allotted to Hibbing, Minnesota, in compliance with sections 73.622(a) and 73.623(c) of the Commission's criteria as set forth in the Public Notice, released November 22, 1999, DA 99-2605 at coordinates 47-22-53 N. and 92-57-15 W. with a power of 500, a height above average terrain HAAT of 212 meters with DTV service population of 117 thousand. Since the community of Hibbing is located within 400 kilometers of the U.S.-Canadian border, concurrence from the Canadian government has been obtained for this allotment. With this action, this proceeding is terminated.

**DATES:** Effective April 21, 2003.

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MB Docket No. 01-116, adopted February 27, 2003, and released March 6, 2003. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC, 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

#### List of Subjects in 47 CFR Part 73

Television broadcasting.

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

#### PART 73—[AMENDED]

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

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

##### § 73.606 [Amended]

2. Section 73.606(b), the Table of Television Allotments under Minnesota, is amended by removing TV channel \*18-at Hibbing.

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

##### § 73.622 [Amended]

3. Section 73.622(b), the Table of Digital Television Allotments under Minnesota, is amended by adding DTV channel \*31 at Hibbing.

Federal Communications Commission.

**Barbara A. Kreisman,**

Chief, Video Division, Media Bureau.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

**RIN 1018-AF03**

#### Endangered and Threatened Wildlife and Plants; Reopening of Comment Period for Final Rule To List the Contiguous United States Distinct Population Segment of the Canada Lynx

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule; notice of reopening of comment period.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service), in response to the December 26, 2002, memorandum opinion and order of the United States District Court for the District of Columbia, in the case of *Defenders of Wildlife v. Norton*, Civil Action No. 00-2996 (GK) and pursuant to the Endangered Species Act of 1973, as amended (Act), provides this notice opening a comment period on the contiguous United States Distinct Population Segment (DPS) of the Canada lynx (*Lynx canadensis*) (lynx). This comment period has been opened to acquire information regarding issues identified by the Court that we need to consider in the above-referenced case. Moreover, we invite comment on specific information that has become available since the listing of the lynx that pertains to the issues we will consider on remand. Upon close of the comment period, the Service will evaluate the status of the lynx in the contiguous United States considering the range of the species.

**DATES:** Comments must be postmarked or e-mailed by April 16, 2003.

**ADDRESSES:** Written comments and materials concerning this notice should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, Montana Field Office, 100 N. Park Avenue, Suite 320, Helena, Montana 59601; or e-mail [fw6\\_lynx@fws.gov](mailto:fw6_lynx@fws.gov). Comments and material received will be available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Lori Nordstrom, Biologist, Montana Field

Office, (see **ADDRESSES** section) (telephone 406/449-5225 extension 208; facsimile 406/449-5339; e-mail [lori\\_nordstrom@fws.gov](mailto:lori_nordstrom@fws.gov)). The Internet is the best mechanism for obtaining the specific information that has become available since the listing of the lynx that we intend to consider for this remanded decision. This information can be retrieved from the Internet at <http://mountain-prairie.fws.gov/endspp/lynx>. If you do not have access to the Internet and would like copies of these documents, please call the Montana Field Office at the above phone number.

#### SUPPLEMENTARY INFORMATION:

##### Background

On March 24, 2000 (65 FR 16052), the Service published a final rule listing the contiguous United States DPS of the lynx as threatened under the Act. As described in the final rule, the range of the lynx where listed includes portions of the States of Colorado, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New York, Oregon, Utah, Vermont, Washington, Wisconsin, and Wyoming.

After the final rule was published, plaintiffs in the case of *Defenders of Wildlife v. Norton*, Civil Action No. 00-2996 (GK)(D.D.C.) challenged the listing of the lynx as threatened, alleging violations of the Act and the Administrative Procedure Act (5 U.S.C. 551 *et seq.*). Plaintiffs argued that the Service acted arbitrarily and capriciously when it—(1) Failed to treat the four lynx geographic regions as separate DPSs, (2) determined that the lack of guidance for conservation of lynx in National Forest Land and Resource Plans and Bureau of Land Management Land Use Plans is the single factor threatening the contiguous United States DPS of lynx, (3) failed to designate critical habitat for the lynx, and (4) determined that the Northeast, Great Lakes, and Southern Rockies do not constitute a significant portion of the range of the DPS.

On December 26, 2002, the Court issued its memorandum opinion and order, deciding that the Service's determination that "[c]ollectively, the Northeast, Great Lakes and Southern Rockies do not constitute a significant portion of the range of the DPS" must be set aside and "remanded to the agency for further consideration of the lynx's status under the ESA consistent with the analysis set forth in the accompanying memorandum opinion." The Court explained that the Service's determination about the four regions was "counterintuitive and contrary" to the plain meaning of the Act's phrase "significant portion of the range." The