

# Proposed Rules

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

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 930

[Docket No. FV02-930-3 PR]

#### Tart Cherries Grown in the States of Michigan, et al.; Increased Assessment Rates; Withdrawal of a Proposed Rule

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Withdrawal of proposed rule.

**SUMMARY:** This action withdraws a proposed rule published in the **Federal Register** on June 10, 2002 (67 FR 39637), which would have increased the assessment rate for cherries that are utilized in the production of tart cherry products other than juice, juice concentrate, or puree from \$0.00175 to \$0.0021 per pound. It also would have increased the assessment rate for cherries utilized for juice, juice concentrate, or puree from \$0.000875 to \$0.00105 per pound. Both assessment rates would have applied to the 2002-2003 and subsequent fiscal periods. Since the proposed rule was published, the tart cherry marketing order was amended (August 8, 2002; 67 FR 51697). The provisions requiring the establishment of different assessment rates for different products were removed. In their place, the Cherry Industry Administrative Board (Board) is required to consider the volume of cherries used in making various products and the relative market value of those products in deciding whether the assessment rate should be a single, uniform rate applicable to all cherries or whether varying rates should be recommended for cherries manufactured into different products. At this time, it is the Board's intention to recommend one assessment rate applicable to all cherries so this action is no longer necessary.

**DATES:** The proposed rule published on June 10, 2002 (67 FR 39637) is withdrawn as of April 3, 2003.

#### FOR FURTHER INFORMATION CONTACT:

Patricia A. Petrella or Kenneth G. Johnson, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, Unit 155, Room 2A38, 4700 River Road, Riverdale, MD 20737, telephone: (301) 734-5243, or Fax: (301) 734-5275; 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, or Fax: (202) 720-8938.

Small businesses may request information on complying with this regulation, or obtain a guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders 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](mailto:Jay.Guerber@usda.gov).

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Agreement and Order No. 930 (7 CFR part 930), regulating the handling of tart cherries grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin, hereinafter referred to as the "order." The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act."

This action withdraws a proposed rule published in the **Federal Register** on June 10, 2002 (67 FR 39637), which would have increased the assessment rate for cherries that are utilized in the production of tart cherry products other than juice, juice concentrate, or puree from \$0.00175 to \$0.0021 per pound. It also would have increased the assessment rate for cherries utilized for juice, juice concentrate, or puree from \$0.000875 to \$0.00105 per pound. Both assessment rates would have applied to the 2002-2003 and subsequent fiscal periods.

Since the proposed rule was published, the tart cherry marketing order was amended (August 8, 2002; 67 FR 51697). The provisions requiring the establishment of different assessment rates for different products were

removed. The Cherry Industry Administrative Board (Board) now is required to consider the volume of cherries used in making various products and the relative market value of those products in deciding whether the assessment rate should be a single, uniform rate applicable to all cherries or whether varying rates should be recommended for cherries manufactured into different products. At this time, it is the Board's intention to recommend one assessment rate applicable to all cherries so this action is no longer necessary.

Therefore, the proposed rule regarding an increase in the assessment rates for cherries published in the **Federal Register** on June 10, 2002 (67 FR 39637), is hereby withdrawn.

#### List of Subjects in 7 CFR Part 930

Marketing agreements, Reporting and recordkeeping requirements, Tart cherries.

**Authority:** 7 U.S.C. 601-674.

Dated: March 27, 2003.

**A.J. Yates,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 03-7939 Filed 4-1-03; 8:45 am]

**BILLING CODE 3410-02-P**

## SMALL BUSINESS ADMINISTRATION

### 13 CFR PART 121

#### Small Business Size Standards; Waiver of the Nonmanufacturer Rule

**AGENCY:** Small Business Administration.

**ACTION:** Notice of intent to waive the Nonmanufacturer Rule for small arms manufacturing.

**SUMMARY:** The U.S. Small Business Administration (SBA) is considering granting a waiver of the Nonmanufacturer Rule for small arms manufacturing. The basis for waivers is that no small business manufacturers are supplying these classes of products to the Federal government. The effect of a waiver would be to allow otherwise qualified regular dealers to supply the products of any domestic manufacturer on a Federal contract set aside for small businesses or awarded through the SBA 8(a) Program. The purpose of this notice is to solicit comments and potential source information from interested parties.

**DATES:** Comments and sources must be submitted on or before April 21, 2003.

**ADDRESSES:** Edith Butler, Program Analyst, U.S. Small Business Administration, 409 3rd Street, SW., Washington DC, 20416, Tel: (202) 619-0422.

**FOR FURTHER INFORMATION CONTACT:** Edith Butler, Program Analyst, (202) 619-0422 FAX (202) 205-7280.

**SUPPLEMENTARY INFORMATION:** Pub. L. 100-656, enacted on November 15, 1988, incorporated into the Small Business Act the previously existing regulation that recipients of Federal contracts set aside for small businesses or SBA 8(a) Program procurement must provide the product of a small business manufacturer or processor, if the recipient is other than the actual manufacturer or processor. This requirement is commonly referred to as the Nonmanufacturer Rule. The SBA regulations imposing this requirement are found at 13 CFR 121.406(b). Section 303(h) of the law provides for waiver of this requirement by SBA for any "class of products" for which there are no small business manufacturers or processors in the Federal market.

To be considered available to participate in the Federal market on these classes of products, a small business manufacturer must have submitted a proposal for a contract solicitation or received a contract from the Federal government within the last 24 months. The SBA defines "class of products" based on six digit coding systems.

The first coding system is the Office of Management and Budget *North American Industry Classification System (NAICS)*. The second is the Product and Service Code established by the Federal Procurement Data System.

The U.S. Small Business Administration is currently processing a request to waive the Nonmanufacturer Rule for Small Arms Manufacturing, North American Industry Classification System (NAICS) 332994. The public is invited to comment or provide source information to SBA on the proposed waiver of the nonmanufacturer rule for this NAICS code.

**Linda G. Williams,**

*Associate Administrator for Government Contracting.*

[FR Doc. 03-7840 Filed 4-1-03; 8:45 am]

**BILLING CODE 8025-01-P**

## LIBRARY OF CONGRESS

### Copyright Office

#### 37 CFR Part 201

[Docket No. RM 2002-4C]

#### Notice of Public Hearings: Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Notice of Public Hearings in Los Angeles, CA.

**SUMMARY:** The Copyright Office of the Library of Congress will be holding two days of public hearings in Los Angeles, California on the possible exemptions to the prohibition against circumvention of technological measures that control access to copyrighted works and is extending the due date for requests to testify in California.

**DATES:** Public hearings will be held at the UCLA School of Law on May 14 and 15, 2003, beginning at 9 a.m. Requests to testify for these California hearings must be received by 5 p.m. E.S.T. on April 8, 2003. See **SUPPLEMENTARY INFORMATION** for additional information on other requirements.

**ADDRESSES:** The Los Angeles, California round of public hearings will be held on May 14 and 15, 2003 in the Moot Court Room, Room 1310, of the UCLA School of Law, 405 Hilgard Avenue, Los Angeles, CA. See **SUPPLEMENTARY INFORMATION** for additional address information and other requirements.

**FOR FURTHER INFORMATION CONTACT:** Rob Kasunic, Senior Attorney, Office of the General Counsel, Copyright GC/I&R, PO Box 70400, Southwest Station, Washington, DC 20024. Telephone (202) 707-8380; fax (202) 707-8366. Requests to testify must be sent by email to [1201@loc.gov](mailto:1201@loc.gov). Email inquiries regarding the hearings may be sent to [rkas@loc.gov](mailto:rkas@loc.gov).

**SUPPLEMENTARY INFORMATION:** On October 15, 2002, the Copyright Office published a Notice of Inquiry seeking comments in connection with a rulemaking pursuant to section 1201(a)(1) of the Copyright Act, 17 U.S.C. 1201(a)(1), which provides that the Librarian of Congress may exempt certain classes of works from the prohibition against circumventing a technological measure that controls access to a copyrighted work. For a more complete statement of the background and purpose of the rulemaking, please see the Notice of Inquiry and the full record of the

previous rulemaking proceeding available on the Copyright Office's Web site at:

<http://www.copyright.gov/1201/>.

On March 20, 2003, the Copyright Office announced that it would be holding public hearings relating to the rulemaking in Washington DC on April 11, April 15, April 30, and May 2, 2003, and that public hearings would subsequently be held in California in May, on dates and at a location to be announced later. 68 FR 13652 (March 20, 2003).

The Copyright Office is now announcing that the California hearings will be conducted on May 14 and 15, 2003 to hear testimony relating to the rulemaking. The hearings will be conducted in Room 1310 at the UCLA School of Law, located at 405 Hilgard Avenue, Los Angeles, California.

The March 20 notice invited interested parties to submit requests to testify at one of these hearings. Requests were to be submitted no later than April 1, 2003. Given the timing of this announcement on the precise dates and location of the California hearings, the Copyright Office is extending the due date for requests to testify at the Los Angeles, CA hearings only until 5 p.m., E.S.T., April 8, 2003.

#### Requirements for Persons Desiring To Testify

A request to testify must be submitted to the Copyright Office. All requests to testify must clearly identify:

- The name of the person desiring to testify,
- The organization or organizations represented, if any,
- Contact information (address, telephone, and email),
- The class of work to which your testimony is responsive (if you wish to testify on more than one proposed class of work, please state your order of preference),<sup>1</sup>
- A brief summary of your proposed testimony,
- A description of any audiovisual material or demonstrative evidence, if any, that you intend to present,
- Preferences as to dates on which you wish to testify. *Note:* Because the agenda will be organized based on subject matter, we cannot guarantee that we can accommodate requests to testify on particular dates.

The Copyright Office notes that it has already received many requests to testify that have not complied with

<sup>1</sup> The 51 written comments proposing classes of works to be exempted and the 338 reply comments have been posted on the Office's Web site; see <http://www.copyright.gov/1201/>.