

Notices

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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.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Meeting Notice

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the Advisory Council on Historic Preservation (ACHP) will meet on Friday, May 9, 2003. The meeting will be held in Room M-09 at the Old Post Office Building, 1100 Pennsylvania Avenue, NW., Washington, DC, beginning at 9 a.m.

The ACHP was established by the National Historic Preservation Act of 1966 (16 U.S.C. 470 *et seq.*) to advise the President and the Congress on matters relating to historic preservation and to comment upon Federal, federally assisted, and federally licensed undertakings having an effect upon properties listed in or eligible for inclusion in the National Register of Historic Places. The ACHP's members are the Architect of the Capitol; the Secretaries of the Interior, Agriculture, Defense, and Transportation; the Administrators of the Environmental Protection Agency and General Services Administration; the Chairman of the National Trust for Historic Preservation; the President of the National Conference of State Historic Preservation Officers; a Governor; a Mayor; a Native Hawaiian; and eight non-Federal members appointed by the President.

The agenda for the meeting includes the following:

- I. Chairman's Welcome
- II. Presentation of Chairman's Awards for Federal Achievement in Historic Preservation
- III. Report of the Executive Committee
 - A. FY 2004 ACHP Appropriations
 - B. Legislative Issues
 1. ACHP Reauthorization Legislation
 2. Surface Transportation Reauthorization Legislation

3. Historic Preservation Tax Incentives
 - C. Revision of ACHP Strategic Plan
- IV. Preserve America Program Development
 - A. Presidential Awards
 - B. Preserve America Communities
- V. Preserve America Executive Order Implementation
 - A. Interagency Assistance Efforts
 - B. Guidelines for Federal Agency Reports
- VI. Report of the Preservation Initiatives Committee
 - A. Federal Heritage Tourism Summit II
 - B. ACHP Donations Strategy
- VII. Report of the Federal Agency Programs Committee
 - A. Army Alternate Procedures—Amendment and Implementation Report
 - B. Program Comment for Dudded Areas
 - C. Section 106 Cases
- VIII. Report of the Communications, Education, and Outreach Committee
 - A. Publicity for Preserve America and Executive Order
 - B. Dissemination of ACHP Publications
- IX. Chairman's Report
 - A. Meeting with Tribal Representatives
 - B. Reissue of Federal Stewardship Report
- X. Executive Director's Report
- XI. New Business
- XII. Adjourn

Note: The meetings of the ACHP are open to the public. If you need special accommodations due to a disability, please contact the Advisory Council on Historic Preservation, 1100 Pennsylvania Ave., NW., Room 809, Washington, DC, 202-606-8503, at least seven (7) days prior to the meeting.

FOR FURTHER INFORMATION CONTACT: Additional information concerning the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1100 Pennsylvania Ave., NW., #809, Washington, DC 20004.

Dated: April 9, 2003.

John M. Fowler,

Executive Director.

[FR Doc. 03-9038 Filed 4-11-03; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Forest Service

Basin Creek Fuels Reduction Project, Beaverhead-Deerlodge National Forest, Silver Bow, County, MT

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: The USDA, Forest Service, Beaverhead-Deerlodge National Forest, will prepare an Environmental Impact Statement (EIS) to document the analysis and disclose the environmental impacts of proposed vegetation treatments in the Basin Creek watershed south of Butte, Montana.

The project area is located in the southern half of the Basin Creek watershed within the Highland Mountains in southwestern Montana (Township 2 North, Range 7 West sections 29, 31, 32; Township 1 North, Range 7 West, sections 5-8, 17-20; Township 1 North, Range 8 West, sections 1-4, 9-12, 13-16, 21-24; and Township 2 North, Range 8 West, section 23).

The Beaverhead-Deerlodge National Forest is proposing to treat forested areas in the Basin Creek Project Area to reduce the likelihood of high intensity rapidly spreading fire to reduce risks to fire fighter and public safety, private property, and water quality in the Basin Creek Municipal Watershed. The proposed action will reduce high levels of wildland fuels in two main areas of concern, a 3,900-acre area southwest of the Roosevelt Drive subdivision and a 9,000-acre area in the Basin Creek Municipal watershed. Treatments would include up to 1,500 acres of slashing, burning, and timber harvest in the area below the Roosevelt Drive subdivision. No permanent road construction is proposed in this area; however, there may be some need for temporary roads. Close coordination with the local homeowners will occur in the specific design of treatments.

A large portion (5,700 acres) of the municipal watershed is in an inventorized roadless area. Fire simulation models are being used to determine where treatments would be the most effective in slowing fire while minimizing the number of acres needing to be treated. Modeling has not been completed at this time, therefore, no

estimate of number of acres is known at this time. No permanent or temporary road construction is proposed within the inventorized roadless area.

Reconstruction of the Herman Gulch Road is being considered to improve the route for firefighter and public access during emergency situations and address soil erosion issues.

No treatments would be proposed within INFISH defined riparian habitat conservation areas. No treatment within old-growth forest is planned.

Alternatives: This EIS will evaluate alternative methods to meet the designated Purpose and Need for the action:

1. Minimize the risks to water quality in the event of wildland fire in the Basin Creek Municipal Watershed.

2. Reduce the potential of damage to public and private property and structures within the project area from wildland fire.

3. Modify vegetative conditions to increase firefighter and public safety.

At least one alternative will exclude any treatments within the inventorized roadless area. As required by NEPA, a "no action" alternative will be analyzed as a baseline for gauging the potential impacts of action alternatives. Forest Plan Visual Quality Objectives for the project area are fairly restrictive. Proposed treatments may require a Forest Plan amendment.

Public Involvement: The public will be invited to comment on the Draft EIS during a public open house, field trip, and in writing to the Beaverhead-Deerlodge National Forest. The location and time of the open house and time of the site field visit will be announced in the local news media, as dates are determined. The public may contact the Forest to have their name added to a project mailing list.

DATES: Initial comments concerning the scope of the analysis should be received in writing no later than 30 days from the publication of this notice of intent.

ADDRESSES: The responsible official is Dale Bosworth, Chief of the Forest Service. Please send written comments to Thomas K. Reilly, Forest Supervisor, 420 Barrett Street, Dillon, MT 59725. Comments may also be electronically submitted to r1_b_d_comments@fs.fed.us.

FOR FURTHER INFORMATION CONTACT: Steve Egeline, Acting Butte District Ranger, Beaverhead-Deerlodge National Forest, 1820 Meadowlark Lane, Butte, MT 59701, or phone (406) 494-0219.

SUPPLEMENTARY INFORMATION: Public participation is important to this analysis. Part of the goal of public

involvement is to identify additional issues and to refine general issues. Scoping notices were mailed to the public on March 29, 2002 and February 11, 2003.

People may visit with Forest Service officials at any time during the analysis and prior to the decision. Two periods are specifically designated for comments on the analysis: (1) during the scoping process, and (2) during the draft EIS period.

During the scoping process, the Forest Service seeks additional information and comments from individuals or organizations that may be interested in or affected by the proposed action, and federal, state, and local agencies. The Forest Service invites written comments and suggestions on this action, particularly in terms of issues and alternative development.

The draft EIS is anticipated to be available for review in June 2003. The final EIS planned for completion in December 2003.

The Environmental Protection Agency will publish the notice of availability of the draft Environmental Impact Statement in the **Federal Register**. The Forest will also publish a legal notice of its availability in the Montana Standard Newspaper, Butte, Montana. A 45-day comment period on the draft EIS will begin the day after the legal notice is published.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519,553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

The responsible official will make the decision on this proposal after considering comments and responses, environmental consequences discussed in the final EIS, applicable laws, regulations, and policies. The decision and reasons for the decision will be documented in a Record of Decision.

Dated: April 7, 2003.

Thomas K. Reilly,
Forest Supervisor.

[FR Doc. 03-9010 Filed 4-11-03; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE

Forest Service

Lower Big Creek, Kootenai National Forest, Lincoln County, MT

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The USDA—Forest Service will prepare an Environmental Impact Statement to disclose the environmental effects of timber harvest, prescribed burning, and road management in the Lower Big Creek Decision Area on the Rexford Ranger District of the Kootenai National Forest. The Decision Area is located approximately 15 miles southwest of Eureka, Montana.

DATES: Written comments and suggestions should be postmarked or received within 30 days following publication of this notice.

ADDRESSES: Written comments and suggestions concerning the scope of the analysis should be sent to Glen M. McNitt, District Ranger, Rexford Ranger District, 1299 U.S. Highway 93 N, Eureka, MT 59917.

FOR FURTHER INFORMATION CONTACT: Chris Fox, Interdisciplinary Team Leader, Rexford Ranger District, Phone: (406) 296-2536.

SUPPLEMENTARY INFORMATION: The Decision Area contains approximately 64,000 acres of land within the Kootenai National Forest. Proposed activities within the Decision Area include all or portions of the following areas: T34–35N, R29–30W, PMM, Lincoln County, Montana.

All proposed activities are outside the boundaries of any roadless area or any areas considered for inclusion to the National Wilderness System as recommended by the Kootenai National Forest Plan or by any past or present legislative wilderness proposals, with the exception of approximately 840 acres of underburning-only in the Big Creek Inventoried Roadless Area.

Purpose and Need: The purpose and need for the project is to: (1) Reduce fuel accumulations to decrease the likelihood that fires would become large stand-replacing wildfires; (2) Restore characteristic vegetation patterns (patch sizes and stand structure) on the landscape; (3) Provide a transportation system that increases security for grizzly bears, reduces impacts to aquatic resources, improves riparian wildlife habitat, and insures economical and safe access; and (4) Respond to the social and economic needs of the public.

Proposed Activities: The Forest Service proposes to use regeneration harvest on approximately 2,650 acres, shelterwood-commercial thin harvest on approximately 350 acres, commercial thinning on approximately 560 acres, and roadside salvage and post and pole harvest on approximately 75 acres.

The Proposed Action would result in nineteen openings over 40 acres, ranging from 98 to 530 acres. A 60-day public review period, and approval by the Regional Forester for exceeding the 40 acre limitation for regeneration harvest, would be required prior to the signing of the Record of Decision. This 60-day period is initiated with this Notice of Intent.

The Proposed Action includes approximately 3,625 acres of prescribed burning in association with timber harvest, and approximately 1,100 acres of prescribed burning without timber harvest.

The Proposed Action also includes maintenance activities on portions of approximately 109 miles of road to meet Best Management Practices; decommissioning approximately 25 miles of closed roads; placing 14 miles of roads (which are currently restricted year-long to motor vehicles) in storage; and reconstructing approximately 1.7 miles of existing road.

The Proposed Action includes precommercial thinning of sapling-sized trees on approximately 300 acres within

managed plantations and natural stands that have regenerated after wildfire. Precommercial thinning would not occur in lynx habitat.

Forest Plan Amendments: The Proposed Action includes two project-specific Forest Plan amendments necessary to meet the project's objectives:

An amendment to allow harvest in 15 units adjacent to existing openings in Management Area (MA) 12 (Big Game Summer Range). The amendment would be needed to suspend Wildlife and Fish Standard #7 and Timber Standard #2 for this area. These standards state that movement corridors and adjacent hiding cover be retained. The resulting opening sizes more closely correlate to natural disturbance patterns. Snags and down woody material would be left to provide wildlife habitat and maintain soil productivity.

An amendment to allow MA 12 open road density to be managed at 1.18 miles/square mile during project implementation. The amendment would be needed to suspend Facilities Standard #3, which states that open road density should be maintained at 0.75 miles/square mile. The open road density would return to 0.74 following project completion.

Range of Alternatives: The Forest Service will consider a range of alternatives. One of these will be the "no action" alternative, in which none of the proposed activities will be implemented. Additional alternatives will be considered to achieve the project's purpose and need for action, and to respond to specific resource issues and public concerns.

Public Involvement and Scoping: In November 2002, efforts were made to involve the public in considering management opportunities within the Decision Area. A scoping package was mailed for public review on November 5, 2002. A field trip was held on November 15, 2002; an open house was held on November 21, 2002. Comments received prior to this notice will be included in the documentation for the EIS.

Estimated Dates for Filing: While public participation in this analysis is welcome at any time, comments received within 30 days of the publication of this notice will be especially useful in the preparation of the Draft EIS (DEIS). The DEIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by May 2003. At that time EPA will publish a Notice of Availability (NOA) of the DEIS in the **Federal Register**. The comment period on the DEIS will be 45

days from the date the EPA publishes the NOA in the **Federal Register**. It is very important that those interested in the management of this area participate at that time.

The final EIS (FEIS) is scheduled to be completed by August 2003. In the FEIS, the Forest Service is required to respond to comments and responses received during the comment period that pertain to the environmental consequences discussed in the DEIS, and applicable laws, regulations, and policies considered in making a decision regarding the proposal.

Reviewer's Obligations: The Forest Service believes it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of DEIS' must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803, F.2d 1016, 1022 9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this Proposed Action participate by the close DEIS 45 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider and respond to them in the FEIS.

To be most helpful, comments on the DEIS should be as specific as possible, and may address the adequacy of the statement or the merit of the alternatives discussed. Reviewers may wish to refer to the Council on Environmental Quality regulations (40 CFR 1503.3) for implementing the procedural provisions of the National Environmental Policy Act.

Responsible Official: As the Forest Supervisor of the Kootenai National Forest, 1101 U.S. Highway 2 West, Libby, MT 59923, I am the Responsible Official. As the Responsible Official, I will decide if the proposed project will be implemented. I will document the decision and reasons for the decision in the Record of Decision. I have delegated the responsibility for preparing the DEIS and FEIS to Glen M. McNitt, District Ranger, Rexford Ranger District.

Dated: April 3, 2003.

Bob Castaneda,

Forest Supervisor, Kootenai National Forest.

[FR Doc. 03-8988 Filed 4-11-03; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE

Forest Service

Trinity County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Trinity County Resource Advisory Committee (RAC) will meet on May 5, 2003 in Weaverville, California.

The purpose of the meeting is to discuss the selection of Title II projects under Public Law 106-393, H.R. 2389, the Secure Rural Schools and Community Self-Determination Act of 2000, also called the "Payments to States" Act.

DATES: The meeting will be held on May 5, 2003 from 6:30 to 8:30 p.m.

ADDRESSES: The meeting will be held at the Trinity County Office of Education Conference Room, 201 Memorial Drive, Weaverville, California.

FOR FURTHER INFORMATION CONTACT: Ann Garland, Designated Federal Official, USDA, Six Rivers National Forest, PO Box 68, Willow Creek, CA 95573. Phone: (530) 629-2118. Email: agarland@fs.fed.us.

SUPPLEMENTARY INFORMATION: The committee will discuss proposed fuels reduction, watershed restoration, and public project. The meeting is open to the public. Public input opportunity will be provided and individuals will have the opportunity to address the committee at that time.

Dated: April 7, 2003.

S.E. 'Lou' Woltering,

Forest Servisor.

[FR Doc. 03-9016 Filed 4-11-03; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Seek Reinstatement of an Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13) and Office of Management and Budget regulations at 5 CFR part

1320 (60 FR 44978, August 29, 1995), this notice announces the intention of the National Agricultural Statistics Service (NASS) to seek approval for reinstatement of an information collection, the Farm and Ranch Irrigation Survey.

DATES: Comments on this notice must be received by June 18, 2003, to be assured of consideration.

ADDRESSES: Comments may be mailed to Ginny McBride, NASS Information Collection Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue, SW., Washington, DC 20250-2024 or sent electronically to gmcbride@nass.usda.gov.

FOR FURTHER INFORMATION CONTACT: Carol House, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720-4333.

SUPPLEMENTARY INFORMATION:

Title: Farm and Ranch Irrigation Survey.

OMB Control Number: 0535-0234.

Type of Request: Intent to Seek Approval to Reinstatement an Information Collection.

Abstract: The Farm and Ranch Irrigation Survey is conducted every 5 years as authorized by the Census of Agriculture Act of 1997 (Pub. L. No. 105-113). The 2003 Farm and Ranch Irrigation Survey will use a probability sample from farms that reported irrigation on the 2002 Census of Agriculture. This irrigation survey will provide a comprehensive inventory of farm irrigation practices with detailed data relating to acres irrigated by category of land use, acres and yields of irrigated and non-irrigated crops, quantity of water applied, and method of application to selected crops. Also included will be 2003 expenditures for maintenance and repair of irrigation equipment and facilities; purchase of energy for on-farm pumping of irrigation water; investment in irrigation equipment, facilities, and land improvement; and cost of water received from off-farm water supplies. Irrigation data are used by the farmers, their representatives, government agencies, and many other groups concerned with the irrigation industry. This survey will provide the only source of dependable, comparable irrigation data by State. The National Agricultural Statistics Service will use the information collected only for statistical purposes and will publish the data only as tabulated totals.

Estimate of Burden: Public reporting burden for this collection of information

is estimated to average 30 minutes per response.

Respondents: Farms.

Estimated Number of Respondents: 25,000.

Estimated Total Annual Burden on Respondents: 12,500 hours.

Copies of this information collection and related instructions can be obtained without charge from Ginny McBride, NASS Information Collection Clearance Officer, at (202) 720-5778.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information 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 become a matter of public record and be summarized in the request for OMB approval.

Signed in Washington, DC, March 24, 2003.

Carol House,

Associate Administrator.

[FR Doc. 03-9039 Filed 4-11-03; 8:45 am]

BILLING CODE 3410-20-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021203A]

Small Takes of Marine Mammals Incidental to Specified Activities; Oceanographic Surveys in the Hess Deep, Eastern Equatorial Pacific Ocean

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

ACTION: Notice of receipt of application and proposed authorization for a small take exemption; request for comments.

SUMMARY: NMFS has received an application from the Lamont-Doherty Earth Observatory (LDEO) for an Incidental Harassment Authorization (IHA) to take small numbers of marine

mammals, by harassment, incidental to conducting oceanographic surveys in the Hess Deep in international waters of the Eastern Equatorial Pacific Ocean. Under the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue a small take authorization to LDEO to incidentally take, by harassment, small numbers of several species of cetaceans and pinnipeds for a limited period of time within the next year.

DATES: Comments and information must be received no later than May 14, 2003.

ADDRESSES: Comments on the application should be addressed to Chief, Marine Mammal Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3225, or by telephoning the contact listed here. A copy of the application, Environmental Assessment (EA) and/or a list of the references used in this document may be obtained by writing to this address or by telephoning the contact listed here. Comments cannot be accepted if submitted via e-mail or the Internet.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Hollingshead, Office of Protected Resources, NMFS, (301) 713-2055, ext 128,

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce 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 either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

Permission may be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses and that the permissible methods of taking and requirements pertaining to the monitoring and reporting of such takings are set forth. 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."

Subsection 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. 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; 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.

(B) The term "Level A harassment" means harassment described in subparagraph (A)(i).

(C) The term "Level B harassment" means harassment described in subparagraph (A)(ii).

Subsection 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of small numbers of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny issuance of the authorization.

Summary of Request

On January 29, 2003, NMFS received an application from LDEO for the taking, by harassment of several species of marine mammals incidental to conducting a seismic survey program in the Hess Deep portion of the Eastern Equatorial Pacific Ocean about 600 nautical miles (nm)(690 land miles; 1111.2 km) west of the Galapagos Islands during March and April 2003, but rescheduled for July, 2003. The purpose of this survey is to obtain information on movements of the earth's plates and on formations associated with those movements. More specifically, the Hess Deep survey will obtain information on the geologic nature of boundaries of the earth's crust at fast-spreading and intermediate-spreading ridges at the boundaries of tectonic plates. Past studies have mapped these areas using manned submersibles and remotely piloted vehicles, but they have not provided a link between geologic and seismic structure. This study will provide the seismic data to assess the geologic nature of the previously mapped areas.

Description of the Activity

The seismic survey will involve a single vessel, the *R/V Maurice Ewing*, which will deploy and retrieve the Ocean Bottom Seismometers (OBSs) and conduct the seismic work. The Maurice Ewing will deploy an array of airguns as an energy source, plus a 6-km (3.2-nm)

towed streamer containing hydrophones to receive the returning acoustic signals.

All planned geophysical data acquisition activities will be conducted by LDEO scientists, with the participation of scientists from the University of Texas at Austin, TX. Water depths in the Hess Deep survey area will range from approximately 2,000 to 3,400 m (6,560 to 11,150 ft). A total of 912 km (492 nm) of MCS (Multi Channel Seismic) surveys using a 10-gun array and 189 km (102 nm) of OBS surveys using a 12-gun array are planned to be conducted. These line-kilometer figures represent the planned production surveys. There will be additional operations associated with equipment testing, startup, line changes, and repeat coverage of any areas where initial data quality is sub-standard.

The procedures to be used for the 2003 seismic survey will be similar to those used during previous seismic surveys by LDEO, e.g., in the equatorial Pacific Ocean (Carbotte *et al.*, 1998, 2000). The proposed program will use conventional seismic methodology with a towed airgun array as the energy source and a towed streamer containing hydrophones as the receiver system, sometimes in combination with OBS receivers placed on the bottom. The energy to the airgun array is compressed air supplied by compressors on board the source vessel. The specific configuration of the airgun array will differ between the OBS and MCS surveys, as described later in this document. In addition, a multi-beam bathymetric sonar will be operated from the source vessel at most times during the Hess Deep survey. A lower-energy sub-bottom profiler, which is routinely operated at the same time as the multi-beam sonar during other projects, will not be operated during this cruise.

The *R/V Maurice Ewing* will be used as the source vessel. It will tow the airgun array (either 10 or 12 guns) and a streamer containing hydrophones along predetermined lines. The vessel will travel at 4-5 knots (7.4-9.3 km/hr), and seismic pulses will be emitted at intervals of 60-90 seconds (OBS lines) and approximately 20 seconds (all other lines). The 20-sec spacing corresponds to a shot interval of about 50 m (164 ft). The 60-90 sec spacing along OBS lines is to minimize previous shot noise during OBS data acquisition, and the exact spacing will depend on water depth. The 10-gun array will be used during MSC surveys and the 12-gun array will be used during OBS surveys. The airguns will be widely spaced in an approximate rectangle with dimensions 35 m (114.9 ft)(across track) by 9 m (29.5 ft)(along track). Individual airguns range

in size from 80 to 850 in3, with total volumes of the arrays being 3005 and 3721 in3 for the 10- and 12-gun arrays, respectively.

The 10-airgun array will have a peak sound source level of 248 dB re 1 μ Pa or 255 dB peak-to-peak (P-P). The 12-airgun array will have a peak sound source level of 250 dB re 1 μ Pa or 257 dB P-P. These are the nominal source levels for the sound directed downward, and represent the theoretical source level close to a single point source emitting the same sound as that emitted by the array of 10 or 12 sources. Because the actual source is a distributed sound source (10 or 12 guns) rather than a single point source, the highest sound levels measurable at any location in the water will be less than the nominal source level. Also, because of the downward directional nature of the sound from these airgun arrays, the effective source level for sound propagating in near-horizontal directions will be substantially lower.

Along selected lines, OBSs will be positioned by the *R/V Maurice Ewing* prior to the time when it begins airgun operations in that area. After OBS lines are shot, the *R/V Maurice Ewing* will retrieve the OBSs, download the data, and refurbish the units.

Along with the airgun operations, one additional acoustical data acquisition activity will occur throughout most of the cruise. The ocean floor will be mapped with an Atlas Hydrosweep DS-2 multi-beam 15.5-kHz bathymetric sonar. The Atlas Hydrosweep is mounted in the hull of the *R/V Maurice Ewing*, and it operates in three modes, depending on the water depth. The first mode is when water depth is <400 m (1312.3 ft). The source output is 210 dB re 1 μ Pa-m rms and a single 1-millisecond pulse or "ping" per second is transmitted, with a beamwidth of 2.67 degrees fore-aft and 90 degrees in beamwidth. The beamwidth is measured to the 3 dB point, as is usually quoted for sonars. The other two modes are deep-water modes: The Omni mode is identical to the shallow-water mode except that the source output is 220 dB rms. The Omni mode is normally used only during start up. The Rotational Directional Transmission (RDT) mode is normally used during deep-water operation and has a 237 dB rms source output. In the RDT mode, each "ping" consists of five successive transmissions, each ensonifying a beam that extends 2.67 degrees fore-aft and approximately 30 degrees in the cross-track direction. The five successive transmissions (segments) sweep from port to starboard with minor overlap, spanning an overall cross-track angular

extent of about 140 degrees, with tiny (<1 millisecond) gaps between the pulses for successive 30-degree segments. The total duration of the "ping", including all 5 successive segments, varies with water depth but is 1 millisecond in water depths >500 m (1640.4 ft) and 10 milliseconds in the deepest water. Additional information on the airgun array and Atlas Hydrosweep specifications is contained in the application, which is available upon request (see ADDRESSES).

Description of Habitat and Marine Mammals Affected by the Activity

A detailed description of the Eastern Equatorial Pacific Ocean and its associated marine mammals can be found in a number of documents referenced in the LDEO application and is not repeated here. Approximately 27 species of cetaceans and possibly two species of pinnipeds may inhabit the area of the Hess Deep. These species are the sperm whale (*Physeter macrocephalus*), pygmy sperm whale (*Kogia breviceps*), dwarf sperm whale (*Kogia sima*), Cuvier's beaked whale (*Ziphius cavirostris*), Longman's beaked whale (*Indopacetus pacificus*), pygmy beaked whale (*Mesoplodon peruvianus*), Ginkgo-toothed beaked whale (*Mesoplodon ginkgodens*), Blainville's beaked whale (*Mesoplodon densirostris*), rough-toothed dolphin (*Steno bredanensis*), bottlenose dolphin (*Tursiops truncatus*), pantropical spotted dolphin (*Stenella attenuata*), spinner dolphin (*Stenella longirostris*), striped dolphin (*Stenella coeruleoalba*), short-beaked common dolphin (*Delphinus delphis*), Fraser's dolphin (*Lagenodelphis hosei*), Risso's dolphin (*Grampus griseus*), melon-headed whale (*Peponocephala electra*), pygmy killer whale (*Feresa attenuata*), false killer whale (*Pseudorca crassidens*), killer whale (*Orcinus orca*), short-finned pilot whale (*Globicephala macrorhynchus*), humpback whale (*Megaptera novaeangliae*), minke whale (*Balaenoptera acutorostrata*), Bryde's whale (*Balaenoptera edeni*), sei whale (*Balaenoptera borealis*), fin whale (*Balaenoptera physalus*), and the blue whale (*Balaenoptera musculus*), Galapagos fur seal (*Arctocephalus galapagoensis*) and Galapagos sea lion (*Zalophus wollebaeki*). Additional information on most of these species is contained in Caretta *et al.* (2001, 2002) which is available at: http://www.nmfs.noaa.gov/prot_res/PR2/Stock_Assessment_Program/sars.html.

Potential Effects 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 animal (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 conspicuity and variable relevance to the well being of the marine mammal; these can range from temporary alert responses to active avoidance reactions such as vacating an area at least until the noise event ceases;

(4) Upon repeated exposure, a marine mammal 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 a marine mammal perceives as a threat;

(5) Any anthropogenic noise that is strong enough to be heard has the potential to reduce (mask) the ability of a marine mammal to hear natural sounds at similar frequencies, including calls from conspecifics, and underwater 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. In addition, intense acoustic or explosive events may cause trauma to tissues associated with organs vital for hearing, sound production, respiration and other functions. This trauma may include minor to severe hemorrhage.

Characteristics of Airgun Pulses

Airguns function by venting high-pressure air into the water. The pressure signature of an individual airgun consists of a sharp rise and then fall in pressure, followed by several positive and negative pressure excursions caused by oscillation of the resulting air bubble. The sizes, arrangement and firing times of the individual airguns in an array are designed and synchronized to suppress the pressure oscillations subsequent to the first cycle. The resulting downward-directed pulse has a duration of only 10 to 20 ms, with only one strong positive and one strong negative peak pressure (Caldwell and Dragoset, 2000). Most energy emitted from airguns is at relatively low frequencies. For example, typical high-energy airgun arrays emit most energy at 10–120 Hz. However, the pulses contain some energy up to 500–1000 Hz and above (Goold and Fish, 1998). The pulsed sounds associated with seismic exploration have higher peak levels than other industrial sounds to which whales and other marine mammals are routinely exposed. The P-P source levels of the 20–gun array (not proposed to be used for the Hess Deep work), and the 12–gun array and 10–gun arrays (that will be used for the Hess Deep), are 262, 257, and 255 dB re 1 μ Pa-m, respectively. These are the nominal source levels applicable to downward propagation. (The effective source level for horizontal propagation is lower.) The only sources with higher or comparable effective source levels are explosions and high-power sonars operating near maximum power.

Several important mitigating factors need to be kept in mind. (1) Airgun arrays produce intermittent sounds, involving emission of a strong sound pulse for a small fraction of a second followed by several seconds of near silence. In contrast, some other acoustic sources produce sounds with lower peak levels, but their sounds are continuous or discontinuous but continuing for much longer durations than seismic pulses. (2) Airgun arrays are designed to transmit strong sounds downward through the seafloor, and the amount of sound transmitted in near-horizontal directions is considerably

reduced. Nonetheless, they also emit sounds that travel horizontally toward non-target areas. (3) An airgun array is a distributed source, not a point source. The nominal source level is an estimate of the sound that would be measured from a theoretical point source emitting the same total energy as the airgun array. That figure is useful in calculating the expected received levels in the far field (i.e., at moderate and long distances). Because the airgun array is not a single point source, there is no one location within the near field (or anywhere else) where the received level is as high as the nominal source level.

The strengths of airgun pulses can be measured in different ways, and it is important to know which method is being used when interpreting quoted source or received levels. Geophysicists usually quote P-P levels, in bar-meters or dB re 1 μ Pa-m. The peak (= zero-to-peak) level for the same pulse is typically about 6 dB less. In the biological literature, levels of received airgun pulses are often described based on the “average” or “root-mean-square” (rms) level over the duration of the pulse. The rms value for a given pulse is typically about 10 dB lower than the peak level, and 16 dB lower than the P-P value (Greene, 1997; McCauley *et al.*, 1998, 2000a). A fourth measure that is sometimes used is the energy level, in dB re 1 μ Pa²s. Because the pulses are >1 sec in duration, the numerical value of the energy is lower than the rms pressure level (but the units are different). Because the level of a given pulse will differ substantially depending on which of these measures is being applied, it is important to be aware which measure is in use when interpreting any quoted pulse level. In the past, NMFS has commonly referenced the rms levels when discussing levels of pulsed sounds that might “harass” marine mammals.

Seismic sound received at any given point will arrive via a direct path, indirect paths that include reflection from the sea surface and bottom, and often indirect paths including segments through the bottom sediments. Sounds propagating via indirect paths travel longer distances and often arrive later

than sounds arriving via a direct path. (However, sound travel in the bottom may travel faster than that in the water, and thus may arrive earlier than the direct arrival despite traveling a greater distance.) These variations in travel time have the effect of lengthening the duration of the received pulse. At the source, seismic pulses are about 10 to 20 ms in duration. In comparison, the pulse duration as received at long horizontal distances can be much greater. For example, for one airgun array operating in the Beaufort Sea, pulse duration was about 300 ms at a distance of 8 km (4.3 nm), 500 ms at 20 km (10.8 nm), and 850 ms at 73 km (39.4 nm) (Greene and Richardson, 1988).

Another important aspect of sound propagation is that received levels of low-frequency underwater sounds diminish close to the surface because of pressure-release and interference phenomena that occur at and near the surface (Urick, 1983; Richardson *et al.*, 1995). Paired measurements of received airgun sounds at depths of 3 m (9.8 ft) vs. 9 or 18 m (29.5 or 59 ft) have shown that received levels are typically several decibels lower at 3 m (9.8 ft) (Greene and Richardson, 1988). For a mammal whose auditory organs are within 1/2 or 1 m (1.6 or 3.3 ft) of the surface, the received level of the predominant low-frequency components of the airgun pulses would be further reduced.

Pulses of underwater sound from open-water seismic exploration are often detected 50 to 100 km (30 to 54 nm) from the source location, even during operations in nearshore waters (Greene and Richardson, 1988; Burgess and Greene, 1999). At those distances, the received levels on an approximate rms basis are low (below 120 dB re 1 mPa). However, faint seismic pulses are sometimes detectable at even greater ranges (e.g., Bowles *et al.*, 1994; Fox *et al.*, 2002). Considerably higher levels can occur at distances out to several kms from an operating airgun array. With 12–gun and 10–gun arrays, the distances at which seismic pulses are expected to diminish to received levels of 190, 180, 170 dB and 160 dB re 1 μ Pa, on an rms basis) are as follows:

Airgun Array	RMS Radii (m/ft)			
	190 dB	180 dB	170 dB	160 dB
12 airguns	300/984	880/2887	2680/ 8793	7250/ 23786
10 airguns	250/820	830/2723	2330/ 7644	6500/ 21325

Additional information can be found in the LDEO application.

Effects of Seismic Surveys on Marine Mammals

The LDEO application provides the following information on what is known about the effects, on marine mammals, of the types of seismic operations planned by LDEO. The types of effects considered here are (1) masking, (2) disturbance, and (3) potential hearing impairment and other physical effects. Additional discussion on species specific effects can be found in the LDEO application.

Masking

Masking effects on marine mammal calls and other natural sounds are expected to be limited. Seismic sounds are short pulses occurring for less than 1 sec every 20 or 60–90 sec in this project. Sounds from the multibeam sonar are very short pulses, occurring for 1–10 msec once every 1 to 15 sec, depending on water depth. (During operations in deep water, the duration of each pulse from the multibeam sonar as received at any one location would actually be only 1/5th or at most 2/5th of 1–10 msec, given the segmented nature of the pulses.) Some whales are known to continue calling in the presence of seismic pulses. Their calls can be heard between the seismic pulses (e.g., Richardson *et al.*, 1986; McDonald *et al.*, 1995; Greene *et al.*, 1999). Although there has been one report that sperm whales cease calling when exposed to pulses from a very distant seismic ship (Bowles *et al.*, 1994), a recent study reports that sperm whales continued calling in the presence of seismic pulses (Madsen *et al.*, 2002). Masking effects of seismic pulses are expected to be negligible in the case of the smaller odontocete cetaceans, given the intermittent nature of seismic pulses plus the fact that sounds important to them are predominantly at much higher frequencies than are airgun sounds.

Most of the energy in the sound pulses emitted by airgun arrays is at low frequencies, with strongest spectrum levels below 200 Hz and considerably lower spectrum levels above 1000 Hz. These frequencies are mainly used by mysticetes, but not by odontocetes or pinnipeds. An industrial sound source will reduce the effective communication or echolocation distance only if its frequency is close to that of the cetacean signal. If little or no overlap occurs between the industrial noise and the frequencies used, as in the case of many marine mammals vs. airgun sounds, communication and echolocation are not expected to be disrupted.

Furthermore, the discontinuous nature of seismic pulses makes significant masking effects unlikely even for mysticetes.

A few cetaceans are known to increase the source levels of their calls in the presence of elevated sound levels, or possibly to shift their peak frequencies in response to strong sound signals (Dahlheim, 1987; Au, 1993; Lesage *et al.*, 1999; Terhune, 1999; reviewed in Richardson *et al.*, 1995:233ff, 364ff). These studies involved exposure to other types of anthropogenic sounds, not seismic pulses, and it is not known whether these types of responses ever occur upon exposure to seismic sounds. If so, these adaptations, along with directional hearing and preadaptation to tolerate some masking by natural sounds (Richardson *et al.*, 1995), would all reduce the importance of masking.

Disturbance by Seismic Surveys

Disturbance includes a variety of effects, including subtle changes in behavior, more conspicuous dramatic changes in activities, and displacement. Disturbance is the primary concern for this project. Based on previous determinations by NMFS regarding minor behavioral response by marine mammals, LDEO presumes here that simple exposure to sound, or brief reactions that do not disrupt behavioral patterns in a potentially significant manner, do not constitute Level B harassment or “taking”. By potentially significant, LDEO means “in a manner that might have deleterious effects to the well-being of individual marine mammals or their populations.”

However, there are difficulties in defining which marine mammals should be counted as “taken by harassment”. For many species and situations, scientists do not have detailed information about their reactions to noise, including reactions to seismic (and sonar) pulses. Behavioral reactions of marine mammals to sound are difficult to predict. Reactions to sound, if any, depend on species, state of maturity, experience, current activity, reproductive state, time of day, and many other factors. If a marine mammal does react to an underwater sound by changing its behavior or moving a small distance, the impacts of the change may not be significant to the individual let alone the stock or the species as a whole. However, if a sound source displaces marine mammals from an important feeding or breeding area for a prolonged period, impacts on the animals could be significant. Given the many uncertainties in predicting the quantity and types of impacts of noise

on marine mammals, scientists often resort to estimating how many mammals were present within a particular distance of industrial activities, or exposed to a particular level of industrial sound. This likely overestimates the numbers of marine mammals that are affected in some biologically important manner. The sound criteria used to estimate how many marine mammals might be disturbed to some biologically-important degree by a seismic program are based on behavioral observations during studies of several species. However, information is lacking for many other species. This is discussed further in the LDEO application.

Hearing Impairment and Other Physical Effects

Temporary or permanent hearing impairment is a possibility when marine mammals are exposed to very strong sounds. The minimum sound level necessary to cause permanent hearing impairment is higher, by a variable and generally unknown amount, than the level that induces barely-detectable temporary threshold shift (TTS). The level associated with the onset of TTS is often considered to be a level below which there is no danger of damage. Current NMFS policy regarding exposure of marine mammals to high-level sounds is that cetaceans and pinnipeds should not be exposed to impulsive sounds exceeding 180 and 190 dB re 1 micro Pa (rms), respectively.

Several aspects of the planned monitoring and mitigation measures for this project are designed to detect marine mammals occurring near the airgun array (and multi-beam sonar), and to avoid exposing them to sound pulses that might cause hearing impairment. In addition, many cetaceans are likely to show some avoidance of the area with ongoing seismic operations. In these cases, the avoidance responses of the animals themselves will reduce or avoid the possibility of hearing impairment.

Non-auditory physical effects may also occur in marine mammals exposed to strong underwater pulsed sound. Possible types of non-auditory physiological effects or injuries that might (in theory) occur include stress, neurological effects, bubble formation, resonance effects, and other types of organ or tissue damage. It is possible that some marine mammal species (i.e., beaked whales) may be especially susceptible to injury and/or stranding when exposed to strong pulsed sounds.

TTS

TTS is the mildest form of hearing impairment that can occur during exposure to a strong sound (Kryter, 1985). When an animal experiences TTS, its hearing threshold rises and a sound must be stronger in order to be heard. TTS can last from minutes or hours to (in cases of strong TTS) days. The magnitude of TTS depends on the level and duration of noise exposure, among other considerations (Richardson *et al.*, 1995). For sound exposures at or somewhat above the TTS threshold, hearing sensitivity recovers rapidly after exposure to the noise ends. Only a few data on sound levels and durations necessary to elicit mild TTS have been obtained for marine mammals.

Currently, NMFS believes that, whenever possible to avoid Level A harassment, cetaceans should not be exposed to pulsed underwater noise at received levels exceeding 180 dB re 1 μ Pa (rms). The corresponding limit for pinnipeds has been set at 190 dB. The predicted 180- and 190-dB distances for the airgun arrays operated by LDEO during this activity were summarized previously in this document. These sound levels are not considered to be the levels at or above which TTS might occur. Rather, they are the received levels above which, in the view of a panel of bioacoustics specialists convened by NMFS, one cannot be certain that there will be no injurious effects, auditory or otherwise, to marine mammals. It has been shown that most whales tend to avoid ships and associated seismic operations. Thus, whales will likely not be exposed to such high levels of airgun sounds. Any whales close to the trackline could move away before the sounds become sufficiently strong for there to be any potential for hearing impairment. Therefore, there is little potential for whales being close enough to an array to experience TTS. In addition, ramping up airgun arrays, which has become standard operational protocol for many seismic operators including LDEO, should allow cetaceans to move away from the seismic source and to avoid being exposed to the full acoustic output of the airgun array.

Permanent Threshold Shift (PTS)

When PTS occurs, there is physical damage to the sound receptors in the ear. In some cases, there can be total or partial deafness, while in other cases, the animal has an impaired ability to hear sounds in specific frequency ranges. Physical damage to a mammal's hearing apparatus can occur if it is exposed to sound impulses that have

very high peak pressures, especially if they have very short rise times (time required for sound pulse to reach peak pressure from the baseline pressure). Such damage can result in a permanent decrease in functional sensitivity of the hearing system at some or all frequencies.

Single or occasional occurrences of mild TTS do not cause permanent auditory damage in terrestrial mammals, and presumably do not do so in marine mammals. However, very prolonged exposure to sound strong enough to elicit TTS, or shorter-term exposure to sound levels well above the TTS threshold, can cause PTS, at least in terrestrial mammals (Kryter, 1985). In terrestrial mammals, the received sound level from a single sound exposure must be far above the TTS threshold for any risk of permanent hearing damage (Kryter, 1994; Richardson *et al.*, 1995). Relationships between TTS and PTS thresholds have not been studied in marine mammals but are assumed to be similar to those in humans and other terrestrial mammals.

Some factors that contribute to onset of PTS are as follows:

(1) exposure to single very intense noises, (2) repetitive exposure to intense sounds that individually cause TTS but not PTS, and (3) recurrent ear infections or (in captive animals) exposure to certain drugs.

Cavanagh (2000) has reviewed the thresholds used to define TTS and PTS. Based on his review and SACLANT (1998), it is reasonable to assume that PTS might occur at a received sound level 20 dB or more above that which induces mild TTS. However, for PTS to occur at a received level only 20 dB above the TTS threshold, it is probable that the animal would have to be exposed to the strong sound for an extended period.

Sound impulse duration, peak amplitude, rise time, and number of pulses are the main factors thought to determine the onset and extent of PTS. Based on existing data, Ketten (1994) has noted that the criteria for differentiating the sound pressure levels that result in PTS (or TTS) are location and species-specific. PTS effects may also be influenced strongly by the health of the receiver's ear.

Given that marine mammals are unlikely to be exposed to received levels of seismic pulses that could cause TTS, it is highly unlikely that they would sustain permanent hearing impairment. If we assume that the TTS threshold for exposure to a series of seismic pulses may be on the order of 220 dB re 1 μ Pa (P-P) in odontocetes, then the PTS threshold might be about 240 dB re 1

μ Pa (P-P). In the units used by geophysicists, this is 10 bar-m. Such levels are found only in the immediate vicinity of the largest airguns (Richardson *et al.*, 1995:137; Caldwell and Dragoset, 2000). It is very unlikely that an odontocete would remain within a few meters of a large airgun for sufficiently long to incur PTS. The TTS (and thus PTS) thresholds of baleen whales and pinnipeds may be lower, and thus may extend to a somewhat greater distance. However, baleen whales generally avoid the immediate area around operating seismic vessels, so it is unlikely that a baleen whale could incur PTS from exposure to airgun pulses. Some pinnipeds do not show strong avoidance of operating airguns. However, pinnipeds are expected to be (at most) uncommon in the Hess Deep survey area. Although it is unlikely that the planned seismic surveys could cause PTS in any marine mammals, caution is warranted given the limited knowledge about noise-induced hearing damage in marine mammals, particularly baleen whales.

Strandings and Mortality

Marine mammals close to underwater detonations of high explosives can be killed or severely injured, and the auditory organs are especially susceptible to injury (Ketten *et al.*, 1993; Ketten, 1995). Airgun pulses are less energetic and have slower rise times, and there is no evidence that they can cause serious injury, death, or stranding. However, the association of mass strandings of beaked whales with naval exercises and, in a recent case, an LDEO seismic survey has raised the possibility that beaked whales may be especially susceptible to injury and/or stranding when exposed to strong pulsed sounds.

In March 2000, several beaked whales that had been exposed to repeated pulses from high intensity, mid-frequency military sonars stranded and died in the Providence Channels of the Bahamas Islands, and were subsequently found to have incurred cranial and ear damage (NOAA and USN, 2001). Based on post-mortem analyses, it was concluded that an acoustic event caused hemorrhages in and near the auditory region of some beaked whales. These hemorrhages occurred before death. They would not necessarily have caused death or permanent hearing damage, but could have compromised hearing and navigational ability (NOAA and USN, 2001). The researchers concluded that acoustic exposure caused this damage and triggered stranding, which resulted in overheating, cardiovascular collapse, and physiological shock that ultimately

led to the death of the stranded beaked whales. During the event, five naval vessels used their AN/SQS-53C or -56 hull-mounted active sonars for a period of 16 h. The sonars produced narrow (<100 Hz) bandwidth signals at center frequencies of 2.6 and 3.3 kHz (-53C), and 6.8 to 8.2 kHz (-56). The respective source levels were usually 235 and 223 dB re 1 μ Pa, but the -53C briefly operated at an unstated but substantially higher source level. The unusual bathymetry and constricted channel where the strandings occurred were conducive to channeling sound. This, and the extended operations by multiple sonars, apparently prevented escape of the animals to the open sea. In addition to the strandings, there are reports that beaked whales were no longer present in the Providence Channel region after the event, suggesting that other beaked whales either abandoned the area or (perhaps) died at sea (Balcomb and Claridge, 2001).

Other strandings of beaked whales associated with operation of military sonars have also been reported (*e.g.*, Simmonds and Lopez-Jurado, 1991; Frantzis, 1998). In these cases, it was not determined whether there were noise-induced injuries to the ears or other organs. Another stranding of beaked whales (15 whales) happened on 24–25 September 2002 in the Canary Islands, where naval maneuvers were taking place.

It is important to note that seismic pulses and mid-frequency sonar pulses are quite different. Sounds produced by the types of airgun arrays used to profile sub-sea geological structures are broadband with most of the energy below 1 kHz. Typical military mid-frequency sonars operate at frequencies of 2 to 10 kHz, generally with a relatively narrow bandwidth at any one time (though the center frequency may change over time). Because seismic and sonar sounds have considerably different characteristics and duty cycles, it is not appropriate to assume that there is a direct connection between the effects of military sonar and seismic surveys on marine mammals. However, evidence that sonar pulses can, in special circumstances, lead to hearing damage and, indirectly, mortality suggests that caution is warranted when dealing with exposure of marine mammals to any high-intensity pulsed sound.

In addition to the sonar-related strandings, there was a recent (September 2002) stranding of two Cuvier's beaked whales in the Gulf of California (Mexico) when a seismic survey by the National Science Foundation/LDEO vessel *R/V Maurice*

Ewing was underway in the general area (Malakoff, 2002). The airgun array in use during that project was the *Ewing's* 20-gun 8490-in³ array. This might be a first indication that seismic surveys can have effects, at least on beaked whales, similar to the suspected effects of naval sonars. However, the evidence linking the Gulf of California strandings to the seismic surveys is inconclusive, and to this date is not based on any physical evidence (Hogarth, 2002; Yoder, 2002). The ship was also operating its multi-beam bathymetric sonar at the same time but, as discussed later in this document, this sonar had much less potential than these naval sonars to affect beaked whales. Although the link between the Gulf of California strandings and the seismic (plus multi-beam sonar) survey is inconclusive, this plus the various incidents involving beaked whale strandings associated with naval exercises suggests a need for caution in conducting seismic surveys in areas occupied by beaked whales.

Non-auditory Physiological Effects

Possible types of non-auditory physiological effects or injuries that might occur in marine mammals exposed to strong underwater sound might, in theory, include stress, neurological effects, bubble formation, resonance effects, and other types of organ or tissue damage. There is no proof that any of these effects occur in marine mammals exposed to sound from airgun arrays. However, there have been no direct studies of the potential for airgun pulses to elicit any of these effects. If any such effects do occur, they would probably be limited to unusual situations when animals might be exposed at close range for unusually long periods.

Long-term exposure to anthropogenic noise may have the potential to cause physiological stress that could affect the health of individual animals or their reproductive potential, which could theoretically cause effects at the population level (Gisner (ed.), 1999). However, there is essentially no information about the occurrence of noise-induced stress in marine mammals. Also, it is doubtful that any single marine mammal would be exposed to strong seismic sounds for sufficiently long that significant physiological stress would develop. This is particularly so in the case of broad-scale seismic surveys of the type planned by LDEO (see Fig. 1 in LDEO (2003)), where the tracklines are generally not as closely spaced as in many 3-dimensional industry surveys.

Gas-filled structures in marine animals have an inherent fundamental

resonance frequency. If stimulated at this frequency, the ensuing resonance could cause damage to the animal. Diving marine mammals are not subject to the bends or air embolism because, unlike a human SCUBA diver, they only breath air at sea level pressure and have protective adaptations against getting the bends. There may be a possibility that high sound levels could cause bubble formation in the blood of diving mammals that in turn could cause an air embolism, tissue separation, and high, localized pressure in nervous tissue (Gisner (ed.), 1999; Houser *et al.*, 2001).

A recent workshop (Gentry (ed.), 2002) was held to discuss whether the stranding of beaked whales in the Bahamas in 2000 might have been related to air cavity resonance or bubble formation in tissues caused by exposure to noise from naval sonar. A panel of experts concluded that resonance in air-filled structures was not likely to have caused this stranding. Among other reasons, the air spaces in marine mammals are too large to be susceptible to resonant frequencies emitted by mid- or low-frequency sonar; lung tissue damage has not been observed in any mass, multi-species stranding of beaked whales; and the duration of sonar pings is likely too short to induce vibrations that could damage tissues (Gentry (ed.), 2002). Opinions were less conclusive about the possible role of gas (nitrogen) bubble formation/growth in the Bahamas stranding of beaked whales. Workshop participants did not rule out the possibility that bubble formation/growth played a role in the stranding and participants acknowledged that more research is needed in this area. The only available information on acoustically-mediated bubble growth in marine mammals is modeling that assumes prolonged exposure to sound.

In summary, little is known about the potential for seismic survey sounds to cause auditory impairment or other physical effects in marine mammals. Available data suggest that such effects, if they occur at all, would be limited to situations where the marine mammal where the marine mammal is located at a short distance from the sound source. However, the available data do not allow for meaningful quantitative predictions of the numbers (if any) of marine mammals that might be affected in these ways. Marine mammals that show behavioral avoidance of seismic vessels, including most baleen whales, some odontocetes, and some pinnipeds, are unlikely to incur auditory impairment or other physical effects.

Possible Effects of Mid-Frequency Sonar Signals

A multi-beam bathymetric sonar (Atlas Hydrosweep DS-2, 15.5-kHz) will be operated from the source vessel at most times during the Hess Deep survey. Sounds from the multibeam sonar are very short pulses, occurring for 1–10 msec once every 1 to 15 sec, depending on water depth. Most of the energy in the sound pulses emitted by this multi-beam sonar is at high frequencies, centered at 15.5 kHz. The beam is narrow (2.67°) in fore-aft extent, and wide (140°) in the cross-track extent. Each ping consists of five successive transmissions (segments) at different cross-track angles. Any given mammal at depth near the trackline would be in the main beam for only one or two of the five segments, i.e. for 1/5th or at most 2/5th of the 1–10 msec.

Navy sonars that have been linked to avoidance reactions and stranding of cetaceans (1) generally are more powerful than the Atlas Hydrosweep, (2) have a longer pulse duration, and (3) are directed close to horizontally (vs. downward for the Hydrosweep). The area of possible influence of the Hydrosweep is much smaller (a narrow band below the source vessel). Marine mammals that encounter the Hydrosweep at close range are unlikely to be subjected to repeated pulses because of the narrow fore-aft width of the beam, and will receive only limited amounts of pulse energy because of the short pulses.

Masking by Mid-Frequency Sonar Signals

There is little chance that marine mammal communications will be masked appreciably by the multibeam sonar signals given the low duty cycle of the sonar and the brief period when an individual mammal is likely to be within its beam. Furthermore, in the case of baleen whales, the sonar signals do not overlap with the predominant frequencies in the calls, which would avoid significant masking.

Behavioral Responses Resulting from Mid-Frequency Sonar Signals

Marine mammal behavioral reactions to military and other sonars appear to vary by species and circumstance. Sperm whales reacted to military sonar, apparently from a submarine, by dispersing from social aggregations, moving away from the sound source, remaining relatively silent and becoming difficult to approach (Watkins *et al.*, 1985). Other early and generally limited observations were summarized in Richardson *et al.* (1995, p. 301ff).

More recently, Rendell and Gordon (1999) recorded vocal behavior of pilot whales during periods of active naval sonar transmission. The sonar signal was made up of several components each lasting 0.17 sec and sweeping up from 4 to 5 kHz. The pilot whales were significantly more vocal while the pulse trios were being emitted than during the intervening quiet periods, but did not leave the area even after several hours of exposure to the sonar.

Reactions of beaked whales near the Bahamas to mid-frequency naval sonars were summarized earlier. Following extended exposure to pulses from a variety of ships, some individuals beached themselves, and others may have abandoned the area (Balcomb and Claridge, 2001; NOAA and USN, 2001). Pulse durations from these sonars were much longer than those of the LDEO multi-beam sonar, and a given mammal would probably receive many pulses. All of these observations are of limited relevance to the present situation because exposures to multi-beam pulses are expected to be brief as the vessel passes by, and the individual pulses will be very short.

Captive bottlenose dolphins and a white whale exhibited changes in behavior when exposed to 1 sec pulsed sounds at frequencies similar to those that will be emitted by the multi-beam sonar used by LDEO (Ridgway *et al.*, 1997; Schlundt *et al.*, 2000), and to shorter broadband pulsed signals (Finneran *et al.*, 2000, 2002). Behavioral changes typically involved what appeared to be deliberate attempts to avoid the sound exposure or to avoid the location of the exposure site during subsequent tests (Schlundt *et al.*, 2000; Finneran *et al.*, 2002). Dolphins exposed to 1-sec intense tones exhibited short-term changes in behavior above received sound levels of 178 to 193 dB re 1 μ Pa rms and belugas did so at received levels of 180 to 196 dB and above. Received levels necessary to elicit such reactions to shorter pulses were higher (Finneran *et al.*, 2000, 2002). Test animals sometimes vocalized after exposure to pulsed, mid-frequency sound from a watergun (Finneran *et al.*, 2002). In some instances, animals exhibited aggressive behavior toward the test apparatus (Ridgway *et al.*, 1997; Schlundt *et al.*, 2000). The relevance of these data to free-ranging odontocetes is uncertain. In the wild, cetaceans sometimes avoid sound sources well before they are exposed to the levels listed above, and reactions in the wild may be more subtle than those described by Ridgway *et al.* (1997) and Schlundt *et al.* (2000).

LDEO is not aware of any data on the reactions of pinnipeds to sonar sounds, although it is likely the pinniped species can detect these sounds given their hearing abilities (Kastak and Schusterman, 1995, 1998, 1999; see also a review in Richardson *et al.*, 1995). Some harp seals (*Pagophilus groenlandicus*) seemed to alter their swimming patterns (exhibited avoidance) when they were exposed to the beam of an echosounder, nominally operating at 200 kHz (Terhune, 1976); that frequency is above the range of effective hearing of seals. However, there was significant energy at lower frequencies that would be audible to a harp seal (Richardson *et al.*, 1995). The behavior of ringed (*Phoca hispida*) and Weddell (*Leptonychotes weddelli*) seals fitted with acoustic pingers, transmitting at 60 to 69 kHz, did not seem to be affected by the sounds from these devices. Mate (1993) described experiments where aperiodic 12–17 kHz sound pulses of varying duration were effective, at source levels of 187 dB, in reducing harbor seal abundance near fish hatcheries (although a few older seals may have habituated and foraged nearby with modified techniques such that they were not seen as frequently). For California sea lions, the same system produced a dramatic initial startle response but was otherwise ineffective. Mate (1993) noted that many marine mammals will react to moving sound sources even if strong stationary sources are tolerated. Mate also noted that, by not using swept frequencies, this experimental acoustic source lost the illusion of motion that would have been simulated by Doppler-like frequency sweeps.

In summary, cetacean behavioral reactions to military and other sonars appear to vary by species and circumstance. While there may be a link between naval sonar use and changes in cetacean vocalization rates and movements, it is unclear what impact these behavioral changes (which are likely to be short-term) might have on the animals. Data on the reactions of pinnipeds to sonar sounds are lacking, but the few reports available on their reactions to other pulsed sounds suggest that they too would exhibit either no, or short-term, behavioral responses. Therefore, as mentioned previously, because simple momentary behavioral reactions that are within normal behavioral patterns for that species are not considered to be a taking, the very brief exposure of cetaceans to signals from the Hydrosweep is unlikely to result in a “take” by harassment.

Hearing Impairment and Other Physical Effects

Given recent stranding events that have been associated with the operation of naval sonar, there is much concern that sonar noise can cause serious impacts to marine mammals (for discussion see Effects of Seismic Surveys). It is worth noting that the multi-beam sonar proposed for use by LDEO is quite different than sonars used for navy operations. Pulse duration of the multi-beam sonar is very short relative to the naval sonars. Also, at any given location, an individual marine mammal would be in the beam of the multi-beam sonar for much less time given the generally downward orientation of the beam and its narrow fore-aft beamwidth. (Navy sonars often use near-horizontally-directed sound.) These factors would all reduce the sound energy received from the multi-beam sonar rather drastically relative to that from the sonars used by the Navy.

Estimates of Take by Harassment for the Hess Deep Cruise

As described previously in this document and in the LDEO application, animals subjected to sound levels above 160 dB may alter their behavior or distribution, and therefore might be considered to be taken by Level B harassment. However, the 160 dB criterion is based on studies of baleen whales. Odontocete hearing at low frequencies is relatively insensitive, and the dolphins generally appear to be more tolerant of strong sounds than are most baleen whales. For that reason, it has been suggested that for purposes of estimating incidental harassment of odontocetes, a 170 dB criterion might be appropriate.

Based on summer marine mammal survey data collected by NMFS and density calculations by Ferguson and Barlow (2001), LDEO used their average marine mammal density to compute a "best estimate" of the number of marine mammals that may be exposed to seismic sounds ≥ 160 dB re $1 \mu\text{Pa}$ (rms). The average densities were then multiplied by the proposed survey effort (912 and 189 km for the 10-gun and 12-gun array, respectively) and twice the 160 dB radius from the source vessel (the 160 dB radius was 6.5 and 7.25 km for the 10-gun and 12-gun array, respectively) to estimate the "best estimate" of the numbers of animals that might be exposed to sound levels ≥ 160 dB re $1 \mu\text{Pa}$ (rms) during the proposed seismic survey program. Separate estimates were made for the 10-gun and 12-gun arrays because the 160 dB radius was different for the two arrays

(see Tables 5 and 6 in LDEO (2003)). Based on this method, the "best estimate" of the number of marine mammals that would be exposed to ≥ 160 dB (rms) and thus potentially taken by Level B harassment during the proposed survey is 8,901, including animals taken by both the 10-gun and 12-gun arrays. Of these, 12 animals would be endangered species, sperm whales (11) and a single blue whale. The species composition of cetaceans within the species groups shown in Tables 5 and 6 in LDEO (2003) is expected to be roughly in proportion to the densities shown for each species in Table 3 in LDEO (2003). Based on those densities, the numbers of each species that might be taken by Level B harassment are shown in Table 7 in LDEO (2003).

Dolphins would account for 96 percent of the overall estimate for potential taking by harassment (i.e., 8,532 of 8,901). While there is no agreement regarding any alternative "take" criterion for dolphins exposed to airgun pulses, if only those dolphins exposed to 170 dB re $1 \mu\text{Pa}$ (rms) were affected sufficiently to be considered taken by Level B harassment, then the best estimate for dolphins would be 3,076 rather than 8,532. This is based on the predicted 170-dB radius around the 10- and 12-airgun arrays (2,330 and 2,680 m (7,644 and 7,742 ft), respectively), and is considered to be a more realistic estimate of the number of dolphins that may be disturbed. Therefore, the total number of animals likely to react behaviorally is considerably lower than the 8,901 that LDEO has estimated in Tables 5 and 6 (LDEO, 2003).

Conclusions—Effects on Cetaceans

Strong avoidance reactions by several species of mysticetes to seismic vessels have been observed at ranges up to 6 to 8 km and occasionally as far as 20–30 km from the source vessel. Some bowhead whales avoided waters within 30 km of the seismic operation. However, reactions at such long distances appear to be atypical of other species of mysticetes, and even for bowheads may only apply during migration.

Odontocete reactions to seismic pulses, or at least those of dolphins, are expected to extend to lesser distances than are those of mysticetes. Odontocete low-frequency hearing is less sensitive than that of mysticetes, and dolphins are often seen from seismic vessels. In fact, there are documented instances of dolphins approaching active seismic vessels. However, dolphins as well as some other types of odontocetes

sometimes show avoidance responses and/or other changes in behavior when near operating seismic vessels.

Taking account of the mitigation measures that are planned, effects on cetaceans are generally expected to be limited to avoidance of the area around the seismic operation and short-term changes in behavior, falling within the MMPA definition of "Level B harassment." In the cases of mysticetes, these reactions are expected to involve small numbers of individual cetaceans because few mysticetes occur in the areas where seismic surveys are proposed. LDEO's "best estimate" is that 10 Bryde's whales, or 0.1 percent of the estimated Eastern Equatorial Bryde's whale population, will be exposed to sound levels ≤ 160 dB re $1 \mu\text{Pa}$ (rms) and potentially affected, and 1 blue whale, or 0.1 percent of the "endangered" ETP blue whale population, would receive >160 dB. Therefore, these potential takings by Level B harassment will have a negligible impact on their populations.

Larger numbers of odontocetes may be affected by the proposed activities, but the population sizes of the main species are large and the numbers potentially affected are small (<0.1 percent) relative to the population sizes. The total number of odontocetes that might be exposed to ≥ 160 dB re $1 \mu\text{Pa}$ (rms) in the Hess Deep area is estimated as 8,890. Of these, 8,532 are delphinids, and of these about 3,076 might be exposed to ≥ 170 dB. These figures are <0.1 percent of the Eastern Equatorial populations of these combined species, and the 3,076 value (based on the >170 dB criterion) is believed to be a more accurate estimate of the number that could potentially be harassed under Level B.

The many cases of apparent tolerance by cetaceans of seismic exploration, vessel traffic, and some other human activities show that co-existence is possible. Mitigation measures such as controlled speed, look-outs, non-pursuit, ramp-ups, avoidance of start-ups during periods of darkness when possible, and shut-down when within defined ranges (See Mitigation) should further reduce short-term reactions to disturbance, and minimize any effects on hearing sensitivity.

Conclusions—Effects on Pinnipeds

Very few if any pinnipeds are expected to be encountered in the Hess Deep area. Thus a maximum of 20 pinnipeds in the Hess Deep area may be affected by the proposed seismic surveys. If pinnipeds are encountered, the proposed seismic activities would have, at most, a short-termed effect on their behavior and no long-term impacts on individual seals or their populations.

Responses of pinnipeds to acoustic disturbance are variable, but usually quite limited. Effects are expected to be limited to short-term and localized behavioral changes falling within the MMPA definition of Level B harassment.

Mitigation

For the proposed seismic operations in the Hess Deep, a 12-gun array with a total volume of 3721 in³ and a 10-gun array of 3005 in³ will be used. The airguns comprising these arrays will be spread out horizontally, so that the energy from the array will be directed mostly downward. Modeled results for the 10- and 12-gun arrays indicate received levels to the 180 dB re 1 μ Pa (rms) isopleth (the criterion applicable to cetaceans) were 830 and 880 m (2,723 and 2,887 ft), respectively. The radii around the 10- and 12-gun arrays where the received level would be 190 dB re 1 μ Pa (rms) isopleth (lines of equal pressure), the criterion (applicable to pinnipeds), were estimated as 250 and 300 m (820 and 984 ft), respectively. Vessel-based observers will monitor marine mammals in the vicinity of the arrays. A calibration study planned for late May and/or June 2003 in the Gulf of Mexico is expected to determine the actual radii corresponding to each sound level. If the modeled radii have not been verified by the time of the Hess Deep surveys, LDEO proposes to use 1.5 times the 180- (cetaceans) and 190- (pinnipeds) dB radii predicted by the model as the safety radii until the radii have been verified. Thus, during the Hess Deep cruise the proposed safety radii for cetaceans are 1,245 and 1,320 m (4,085 and 4,331 ft), respectively, for the 10- and 12-gun arrays, and the proposed safety radii for pinnipeds are 375 and 450 m (1,230 and 1,476 ft), respectively. LDEO proposes to shut down the seismic source if marine mammals are observed within the proposed safety radii.

Also, LDEO proposes to use a ramp-up procedure when commencing operations. Ramp-up will begin with the smallest gun in the array that is being used (80 in³ for the 10- and 12-gun arrays), and guns will be added in a sequence such that the source level of the array will increase at a rate no greater than 6 dB per 5-minutes.

Operational Mitigation

The directional nature of the two alternative airgun arrays to be used in this project is an important mitigating factor, resulting in reduced sound levels at any given horizontal distance than would be expected at that distance if the source were omnidirectional with the

stated nominal source level. Also, the use of the 10- or 12-gun array of 3,005 or 3,721 in³ rather than the largest airgun array that the LDEO's source vessel can deploy (20 airguns totaling almost 8600 in³) is another significant mitigation measure.

Marine Mammal Monitoring

Vessel-based observers will monitor marine mammals near the seismic source vessel during all daylight airgun operations and during any nighttime startups of the airguns. Airgun operations will be suspended when marine mammals are observed within, or about to enter, designated safety zones where there is a possibility of significant effects on hearing or other physical effects. Vessel-based observers will watch for marine mammals near the seismic vessel during daylight periods with shooting, and for at least 30 minutes prior to the planned start of airgun operations. Observers will not be on duty during ongoing seismic operations at night; bridge personnel will watch for marine mammals during this period and will call for the airguns to be shut down if marine mammals are observed in or about to enter the safety radii. If the airguns are started up at night, two marine mammal observers will monitor marine mammals near the source vessel for 30 minutes prior to start up using night vision devices as described later (see Monitoring and Reporting).

Two observers will be stationed on the *R/V Maurice Ewing* during seismic operations in the Hess Deep area. The *R/V Maurice Ewing* is a suitable platform for marine mammal observations. The observer's eye level will be approximately 11 m (36 ft) above sea level when stationed on the bridge, allowing for good visibility within a 210° arc for each observer. The proposed monitoring plan is summarized later in this document.

Proposed Safety Radii

Received sound levels have been modeled for the 10-, 12-, and 20-air gun arrays (but the 20-gun array will not be used during the Hess Deep Project). Based on the modeling, estimates of the 190, 180, 170, and 160 dB re 1 μ Pa (rms) distances (safety radii) for these arrays have been provided previously in this document. Acoustic measurements in shallow and deep water will be taken, in order to check the modeled received sound levels from these arrays. This verification is expected to occur in June 2003 in the Gulf of Mexico. If verification of the safety radii does not occur before the start of the proposed program, then

conservative safety radii will be used during the proposed Hess Deep seismic surveys. Conservative radii will be 1.5 times the distances indicated for the 10- and 12-airgun arrays to be used in the Hess Deep area. Thus, during the Hess Deep cruise the proposed conservative safety radii for cetaceans are 1,245 and 1,320 m (4,085 and 4,331 ft), for the 10- and 12-gun arrays, respectively, and the proposed conservative safety radii for pinnipeds are 375 and 450 m (1,230 and 1,476 ft), respectively.

Airgun operations will be suspended immediately when cetaceans are seen within or about to enter the appropriate 180-dB (rms) radius, or if pinnipeds are seen within or about to enter the 190-dB (rms) radius. These 190 and 180 dB criteria are consistent with guidelines listed for pinnipeds and cetaceans by NMFS (2000) and other guidance by NMFS.

Mitigation During Operations

The following mitigation measures, as well as marine mammal monitoring, will be adopted during the Hess Deep seismic survey program and the acoustic verification program, provided that doing so will not compromise operational safety requirements:

- (1) Course alteration; (2) Shut-down procedures; and (3) Ramp-up procedures.

Course Alteration

If a marine mammal is detected outside the safety radius and, based on its position and the relative motion, is likely to enter the safety radius, alternative ship tracks will be plotted against anticipated mammal locations. The vessel's direct course and/or speed will be changed in a manner that also minimizes the effect to the planned science objectives. The marine mammal activities and movements relative to the seismic vessel will be closely monitored to ensure that the marine mammal does not approach within the safety radius. If the mammal appears likely to enter the safety radius, further mitigative actions will be taken, i.e., either further course alterations or shutdown of the airguns.

Shutdown Procedures

Vessel-based observers will monitor marine mammals near the seismic vessel during daylight and for 30 minutes prior to start up during darkness throughout the program. Airgun operations will be suspended immediately when marine mammals are observed within, or about to enter, designated safety zones where there is a possibility of physical effects, including effects on hearing (based on the 180 and 190 dB criteria specified by NMFS). The

shutdown procedure should be accomplished within several seconds or one shot period of the determination that a marine mammal is within or about to enter the safety zone. Airgun operations will not resume until the marine mammal is outside the safety radius. Once the safety zone is clear of marine mammals, the observer will advise that seismic surveys can recommence. The "ramp-up" procedure will then be followed.

Ramp-up Procedure

A "ramp-up" procedure will be followed when the airgun arrays begin operating after a specified-duration period without airgun operations. Under normal operational conditions (vessel speed 4–5 knots), a ramp-up would be required after a "no shooting" period lasting 2 minutes or longer. At 4 knots, the source vessel would travel 247 m (810 ft) during a 2-minute period. If the towing speed is reduced to 3 knots or less, as sometimes required when maneuvering in shallow water (not a factor in Hess Deep), it is proposed that a ramp-up would be required after a "no shooting" period lasting 3 minutes or longer. At towing speeds not exceeding 3 knots, the source vessel would travel no more than 277 m (909 ft) in 3 minutes. These guidelines would require modification if the normal shot interval were more than 2 or 3 min, respectively, but that is not expected to occur during the Hess Deep project.

Ramp-up will begin with the smallest gun in the array that is being used (80 in³ for the 10- and 12-gun arrays). Guns will be added in a sequence such that the source level of the array will increase in steps not exceeding 6 dB per 5-minute period over a total duration of approximately 18–20 min (10–12 gun arrays).

Monitoring and Reporting

LDEO proposes to conduct marine mammal monitoring of its 2003 seismic program in the Hess Deep and acoustical verification of safety radii, in order to satisfy the anticipated requirements of the IHA.

Vessel-based Visual Monitoring

Two observers dedicated to marine mammal observations will be stationed aboard LDEO's seismic survey vessel for the seismic survey in the Hess Deep area. It is proposed that one or both marine mammal observers aboard the seismic vessel will search for and observe marine mammals whenever seismic operations are in progress during daylight hours. When feasible, two observers will be on duty for at least 30 minutes prior to the start of seismic

shooting and during ramp-up procedures. The 30-minute observation period is only required prior to commencing seismic operations following an extended shut down period.

If ramp-up procedures must be performed at night, two observers will be on duty 30 minutes prior to the start of seismic shooting and during the subsequent ramp-up procedures. Otherwise, no observers will be on duty during seismic operations at night. However, LDEO bridge personnel (port and starboard seamen and one mate) will assist in marine mammal observations whenever possible, and especially during operations at night, when designated marine mammal observers will not normally be on duty. A marine mammal observer will be on "standby" at night, in case bridge personnel see a marine mammal. An image-intensifier night-vision device (NVD) will be available for use at night, although past experience has shown that NVDs are of limited value for this purpose.

The observer(s) will watch for marine mammals from the bridge, the highest practical vantage point on the vessel. The observer's eye level will be approximately 11 m (36 ft) above sea level when stationed on the bridge, allowing for good visibility within a 210° arc. The observer(s) will systematically scan the area around the vessel with 7 X 50 Fujinon reticle binoculars or with the naked eye during the daytime. At night, night vision equipment will be available (ITT F500 Series Generation 3 binocular image intensifier or equivalent), if required. Laser rangefinding binoculars (Bushnell Lytespeed 800 laser rangefinder with 4 optics or equivalent) will be available to assist with distance estimation. If a marine mammal is seen well outside the safety radius, the vessel may be maneuvered to avoid having the mammal come within the safety radius (see Mitigation). When mammals are detected within or about to enter the designated safety radii, the airguns will be shut down immediately. The observer(s) will continue to maintain watch to determine when the animal is outside the safety radius. Airgun operations will not resume until the animal is outside the safety radius.

The vessel-based monitoring will provide data required to estimate the numbers of marine mammals exposed to various received sound levels, to document any apparent disturbance reactions, and thus to estimate the numbers of mammals potentially taken by Level B harassment. It will also provide the information needed in order

to shut down the airguns at times when mammals are present in or near the safety zone. When a mammal sighting is made, the following information about the sighting will be recorded: (1) Species, group size, age/size/sex categories (if determinable), behavior when first sighted and after initial sighting, heading (if consistent), bearing and distance from seismic vessel, sighting cue, apparent reaction to seismic vessel (e.g., none, avoidance, approach, paralleling, etc.), and behavioral pace; and (2) Time, location, heading, speed, activity of the vessel (shooting or not), sea state, visibility, cloud cover, and sun glare. The data listed under (2) will also be recorded at the start and end of each observation watch and during a watch, whenever there is a change in one or more of the variables.

All mammal observations and airgun shutdowns will be recorded in a standardized format. Data will be entered into a custom database using a laptop computer when observers are off-duty. The accuracy of the data entry will be verified by computerized validity data checks as the data are entered and by subsequent manual checking of the database. These procedures will allow initial summaries of data to be prepared during and shortly after the field program, and will facilitate transfer of the data to statistical, graphical or other programs for further processing and archiving.

At least one experienced marine mammal observer will be on duty aboard the seismic vessel. During seismic operations in the Hess Deep area, two observers, including one qualified contract biologist and one observer appointed by LDEO, will be based aboard the vessel. Observers appointed by LDEO will complete a one-day training/refresher course on marine mammal monitoring procedures, given by a contract employee experienced in vessel-based seismic monitoring projects.

Observers will be on duty in shifts of duration no longer than 4 hours. The second observer will also be on watch part of the time, including the 30 minute periods preceding startup of the airguns and during ramp ups. Use of two simultaneous observers will increase the proportion of the marine mammals present near the source vessel that are detected. Bridge personnel additional to the dedicated marine mammal observers will also assist in detecting marine mammals and implementing mitigation requirements, and before the start of the seismic survey will be given instruction in how to do so.

Results from the vessel-based observations will provide (1) The basis for real-time mitigation (airgun shutdown); (2) Information needed to estimate the number of marine mammals potentially taken by harassment, which must be reported to NMFS; (3) Data on the occurrence, distribution, and activities of marine mammals in the area where the seismic study is conducted; (4) Information to compare the distance and distribution of marine mammals relative to the source vessel at times with and without seismic activity; and (5) Data on the behavior and movement patterns of marine mammals seen at times with and without seismic activity.

Acoustical Measurements

The acoustic measurement program is designed to verify the safety radii that will be used to determine when the air guns will be shut down to prevent marine mammals from being exposed to seismic sounds 180 (cetaceans) or 190 dB re 1 μ Pa (rms) (pinnipeds)(see Mitigation). It will also provide the specific acoustic data needed to document the seismic sounds to which marine mammals are exposed at various distances from the seismic source, as necessary to improve the estimates of potential take by harassment and to interpret the observations of marine mammal distribution, behavior, and headings. It appears most likely that acoustical measurements will be conducted in the Gulf of Mexico during June when LDEO's vessel will be in that area for other purposes. Acoustic studies will obtain data on characteristics of the seismic survey sounds as a function of distance in deep and shallow water.

Additional details about the methods, timing and location of the acoustical verification study are provided in the LDEO application; additional information on monitoring will be provided by LDEO in an addendum to its application as plans for this effort become more specific. That addendum will address the marine mammals that might be exposed to airgun sounds during the verification study.

A report will be submitted to NMFS within 90 days after the end of the seismic program in the Hess Deep area. The end of the Hess Deep program is predicted to occur on or about July 28, 2003. The report will cover the seismic surveys in the Hess Deep area and will be submitted to NMFS, providing full documentation of methods, results, and interpretation pertaining to all monitoring tasks. The 90-day report will summarize the dates and locations of seismic operations, sound

measurement data, marine mammal sightings (dates, times, locations, activities, associated seismic survey activities), and estimates of the amount and nature of potential "take" of marine mammals by harassment or in other ways.

Endangered Species Act (ESA)

Under section 7 of the ESA, NMFS has begun consultation on the proposed issuance of an IHA under section 101(a)(5)(D) of the MMPA for this activity. Consultation will be concluded prior to the issuance of an IHA.

National Environmental Policy Act (NEPA)

The NSF has prepared an EA for the Hess Deep survey. NMFS is reviewing this EA and will either adopt it or prepare its own NEPA document before making a determination on the issuance of an IHA. A copy of the NSF EA for this activity is available upon request (see ADDRESSES).

Preliminary Conclusions

NMFS has preliminarily determined that the short-term impact of conducting a seismic survey program in the Hess Deep portion of the Eastern Equatorial Pacific Ocean will result, at worst, in a temporary modification in behavior by certain species of marine mammals. While behavioral modifications may be made by these species as a result of seismic survey activities, this behavioral change is expected to result in no more than a negligible impact on the affected species.

While the number of potential incidental harassment takes will depend on the distribution and abundance of marine mammals in the vicinity of the survey activity, the number of potential harassment takings is estimated to be small. In addition, no take by injury and/or death is anticipated, and the potential for temporary or permanent hearing impairment is low and will be avoided through the incorporation of the mitigation measures mentioned in this document.

Proposed Authorization

NMFS proposes to issue an IHA to LDEO for conducting a seismic survey program in the Hess Deep portion of the Eastern Equatorial Pacific Ocean, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. NMFS has preliminarily determined that the proposed activity would result in the harassment of only small numbers of marine mammals; would have no more than a negligible impact on the affected marine mammal stocks; and would not

have an unmitigable adverse impact on the availability of stocks for subsistence uses.

Information Solicited

NMFS requests interested persons to submit comments and information concerning this request (see ADDRESSES).

Dated: April 7, 2003.

Laurie K. Allen,

*Acting Director, Office of Protected Resources,
National Marine Fisheries Service.*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 032502D]

Notice of Availability of Final Stock Assessment Reports

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

ACTION: Notice of completion and availability of final marine mammal stock assessment reports; response to comments.

SUMMARY: NMFS has incorporated public comments into revisions of marine mammal stock assessment reports (SARs). The 2002 final SARs are now complete and available to the public.

ADDRESSES: Send requests for printed copies of reports to: Chief, Marine Mammal Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3226, Attn: Stock Assessments.

Copies of the Alaska Regional SARs may be requested from Robyn Angliss, Alaska Fisheries Science Center (F/AKC), NMFS, 7600 Sand Point Way, NE BIN 15700, Seattle, WA 98115-0070, e-mail Robyn.Angliss@noaa.gov.

Copies of the Atlantic and Gulf of Mexico Regional SARs may be requested from Janeen Quintal, Northeast Fisheries Science Center, 166 Water St., Woods Hole, MA 02543, e-mail Janeen.Quintal@noaa.gov or Steven Swartz, Southeast Fisheries Science Center, 75 Virginia Beach Dr., Miami, FL 33149, e-mail Steven.Swartz@noaa.gov.

Copies of the Pacific Regional SARs may be requested from Cathy Campbell, Southwest Regional Office (F/SWO3), NMFS, 501 West Ocean Boulevard, Long Beach, CA 90802-4213, e-mail Cathy.E.Campbell@noaa.gov.

FOR FURTHER INFORMATION CONTACT: Tom Eagle, Office of Protected Resources, 301-713-2322, e-mail Tom.Eagle@noaa.gov; Robyn Angliss 206-526-4032, regarding Alaska regional stock assessments; Janeen Quintal, 508-495-2252, regarding Northwest Atlantic regional stock assessments; Steven Swartz, 305-361-4487, regarding Mid-Atlantic and Gulf of Mexico regional stock assessments; or Cathy Campbell, 562-980-4020, regarding Pacific regional stock assessments.

SUPPLEMENTARY INFORMATION:

Electronic Access

All stock assessment reports and the guidelines for preparing them are available via the Internet at http://www.nmfs.noaa.gov/prot_res/PR2/Stock_Assessment_Program/sars.html.

Background

Section 117 of the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361 *et seq.*) requires NMFS and the U.S. Fish and Wildlife Service (FWS) to prepare stock assessments for each stock of marine mammals that occurs in waters under the jurisdiction of the United States. These reports must, among other things, contain information regarding the distribution and abundance of the stock, population growth rates and trends, estimates of annual human-caused mortality and serious injury from all sources, descriptions of the fisheries with which the stock interacts, and the status of the stock. Initial reports were completed in 1995.

The MMPA requires NMFS and FWS to review the SARs at least annually for strategic stocks and stocks for which significant new information is available and at least once every 3 years for non-strategic stocks. NMFS and the FWS are required to revise a SAR if the status of the stock has changed or can be more accurately determined.

Draft 2002 SARs were made available for a 90-day public review and comment period on April 19, 2002 (67 FR 19417). Prior to their release for public review and comment, NMFS subjected the draft reports to internal technical review and to scientific review by regional Scientific Review Groups (SRGs) established under the MMPA. Following the close of the comment period, NMFS revised the reports as needed to prepare final 2002 SARs. Printed copies may be obtained by request (see **ADDRESSES**).

The FWS updated the most recent versions of the SARs for polar bears, sea otters, walrus, and manatees and they

were appended to NMFS' final 2002 SARs. These reports were included so that interested constituents would have reports for all regional stocks in a single document.

Comments and Responses

NMFS received two letters, one from the National Wildlife Federation and the other from the Marine Mammal Commission (MMC) which contained comments on the draft 2002 SARs. The comments and responses below are separated according to the regional scope of the comments. Many of the comments on specific SARs addressed minor editorial points for clarification. Most of these comments were included into the final reports or will be included in future reports and are not included in the following segment of this document.

Comments on National Issues

Comment 1: Combining species groups is inconsistent with Sections 117 and 3(11) of the MMPA. Also, species with lower abundance, slower growth rates, and higher interaction (mortality and serious injury) rates may be more vulnerable to fisheries and other human activities, and the risk to those species may be increased when analyses are conducted on species groups.

Response: NMFS concurs that some populations or species may be more vulnerable to human-caused mortality than others; however, NMFS disagrees that stock assessment reports describing groups of populations or stocks are necessarily inconsistent with the MMPA. The MMPA states that stock assessment reports must be based upon the best scientific information available. In many cases, the best available information is limited to species groups. For example, in its initial SARs, NMFS reported on each species of beaked whale in a separate report, and most reports indicated that the species-specific abundance and mortality estimates used in management decisions were unknown. Thus, the species-specific reports were not informative. As a result, NMFS, in consultation with the SRGs, prepared subsequent reports for beaked whales and some other stocks as grouped reports. The information in these grouped reports must be interpreted with caution to avoid the conservation issues identified in this comment. When the methodologies to obtain data supporting stock-specific reports are available and sufficient data are collected, NMFS will use these methods to collect and analyze the appropriate information to prepare separate reports on each stock of beaked whale and other marine mammals where grouped data are used.

Comment 2: Requiring confirmation of human-caused effects to assess serious injuries and mortalities is contrary to the precautionary approach and incorporates several sources of negative bias; thus, it may not represent the best scientific information available. NMFS should report all injuries that could be serious and provide the rationale for discounting them in mortality estimates. An alternative approach, which was recommended in NMFS's 1997 workshop on differentiating serious and non-serious injuries would be to prorate cases where seriousness could not be determined using data from cases where such determination could be made. These approaches would provide a more realistic view of the uncertainty associated with the potential effects of fishing and other human activities.

Response: NMFS realizes that requiring evidence that human factors were, indeed, related to deaths of marine mammals could result in an underestimate of such mortality and may not be the most precautionary assessment of human-caused mortality. Most cases where we require such confirmation are those mortalities identified from stranded carcasses. These stranding records provide only minimum estimates of mortality, and the value of such data is related more to illustrating where quantitative data are needed rather than as substitutes for more reliable estimates. NMFS will continue using the summary approach in the SARs to realize the benefit of short documents that describe the status of each stock of marine mammal. Longer-more detailed discussion of this summary information will be contained in supporting reports and data, and this supporting information will continue to be cited in the reference section of each report.

Comment 3: The SARs are inconsistent in their use of observer data. For example, an observed mortality of one humpback whale as a result of a fishery interaction in the Pacific was not used as a basis for extrapolation because observer coverage was less than one percent; however, observer coverage of less than one percent is extrapolated for several Atlantic fisheries that appear to take large numbers of marine mammals. Also, the use of estimates based upon low levels of observer coverage and the use of a 5-year average fail to inspire confidence in the resulting estimates and are not sufficiently reliable to assess the efficacy of take reduction measures.

Response: In the case of the Central North Pacific stock of Humpback whales, the observed take was not used

because it was more than 5 years old, not because only one mortality was observed. If the single observed take had been no more than 5 years old, the observed take would have been extrapolated to a mortality estimate. Thus, both reports are consistent with existing guidelines.

Uncertainty in mortality estimates due to low levels of observer coverage does, indeed, make it difficult to assess the efficacy of take reduction measures. However, low levels of observer coverage are primarily a result of budget limitations. NMFS considers monitoring in fisheries with an existing take reduction plan or in fisheries for which take reduction plans are being developed as its highest priorities. These priorities are consistent with priorities for observer coverage provided in the MMPA. NMFS gives priority to monitoring incidental takes and development and implementation of take reduction plans for commercial fisheries that have incidental mortality and serious injury of strategic stocks of marine mammals. Unfortunately, due to insufficient funding, NMFS will continue to have some fisheries for which incidental mortality estimates are highly uncertain due to low levels of observer coverage.

Comment 4: The Atlantic and Gulf of Mexico SAR does not adhere to the requirements of the MMPA regarding inclusion of descriptive data on fisheries that interact with marine mammals.

Response: The individual Atlantic and Gulf of Mexico SARs contain summary data for fisheries that interact with marine mammals. In addition a new table (Appendix I) has been added to the 2002 report, which provides the required information in summary form. Presenting the fishery descriptions in a single table avoids unnecessary duplication in the descriptions of fisheries where the same fishery interacts with several stocks of marine mammals.

Comment 5: Data standards need to be established to set the level of observer coverage for each fishery, particularly Atlantic trawl fisheries. The development and implementation of data standards should provide assurance that the effect of fisheries and other human activities are being assessed reliably.

Response: NMFS concurs that the level of observer coverage in Atlantic trawl fisheries has been insufficient to obtain reliable bycatch estimates. However, using data standards to set observer levels is not likely to alleviate this problem because observer coverage is limited by available funding.

Alaska Regional SARs

Comment 6: The SAR for the western stock of Steller sea lions includes fishery-specific mean annual mortality levels that are more than a decade old. The report should either explain why such data are considered reliable indicators of current take levels or remove the data from the table.

Response: NMFS agrees that some estimates of fishery-specific incidental mortality are quite old. Removing the data from the table would result in an apparent decrease in take level, which could lead the reader to conclude that mortalities have not occurred incidental to these fisheries. Thus, because these take levels constitute the best available information on the level of incidental mortality in these fisheries, the data will be retained in the table.

Comment 7: It is not clear why harbor seal stock structure designations in Alaska have not yet been changed. The genetics studies that are providing the basis for the revision were initiated 4 to 5 years ago, and the studies have since provided the best available scientific information upon which to base a revision of stocks. NMFS has been fully informed of the results and should have anticipated the possibility that they would indicate a more complex stock structure than was recognized in the past. The need for a stock-specific management program seems clear based on significant harbor seal declines in a number of locations in Alaska.

Response: NMFS is evaluating the stock structure of harbor seals in Alaska through a process that includes discussions with the Alaska Native Harbor Seal Commission under a co-management agreement. NMFS and the Harbor Seal Commission have discussed the available scientific information, and the next steps include compiling and incorporating Alaska Natives' knowledge into a recommended population structure.

Comment 8: The SAR for the eastern Chukchi Sea stock of beluga whales includes an estimate of 3,710 whales which is now based on data that are more than 8 years old. This estimate should be treated as outdated unless evidence can be provided that it is still a valid estimate.

Response: NMFS agrees that the estimate of 3,710 obtained from surveys conducted in 1989–91 would generally be considered outdated. However, the maximum count from surveys in 1998 (1,172 animals) is very similar to the maximum count during the summers of 1989–91 (- 1,200 animals). In addition, both counts are similar to those conducted in the summer of 1979.

These counts indicate that no major changes in abundance have occurred; thus, the use of the older estimate is consistent with SAR guidelines. The SAR for this stock will next be reviewed in 2004; at that time, NMFS will revisit whether using this information for abundance is still appropriate.

Comment 9: The SAR for the Chukchi Sea stock of beluga whales does not provide sufficient information to distinguish between two alternative hypotheses: (1) There have been no takes of beluga whales as a result of gillnet and personal-use fisheries and (2) there have been takes but they have not been reported. The conclusion drawn is consistent with the first hypothesis, but the basis for distinguishing between these hypotheses is not clear and should be explained.

Response: The only data available to distinguish between these two hypotheses are contained in injury reports. No injuries (including mortalities) have been reported; therefore, the best available data support the hypothesis that no mortality incidental to the personal-use fisheries has occurred. Most beluga whales taken in personal-use fisheries are used for subsistence purposes and are reported as subsistence takes through the Alaska Beluga Whale Committee; thus, the estimate of total human-caused mortality is not significantly affected.

Comment 10: The SAR for the Cook Inlet stock of beluga whales indicates that there were no indications that the large stranding events from 1996–1999 resulted from human interactions. However, the information provided in the SAR does not indicate the nature and extent of efforts to determine the cause, so the reader cannot distinguish between (1) the events were unrelated to human activities and (2) the events were related to human activities but the relationship was not evaluated or detected. Essentially, it is not clear that the causes of the stranding events could be determined, and if this is the case, the SAR should state as much.

Response: The exact cause of the stranding cannot be determined. Stranding records and a knowledge of the dynamics of Cook Inlet (e.g., tidal changes) indicate that human factors were not responsible for the mass strandings.

Comment 11: The SAR for the Cook Inlet stock of beluga includes a statement in the section entitled "Habitat Concerns" that there is no indication that municipal, commercial, and industrial activities have had a quantifiable adverse impact on the beluga whale population. The absence

of evidence in support of a particular hypothesis is not necessarily evidence that the hypothesis is false if a rigorous, powerful investigation has not been conducted.

Response: Specific investigations have not been carried out to determine whether municipal, commercial, and industrial activities have had a quantifiable adverse impact on the bowhead whale population. However, a review of the available information indicated that the observed population decline could be explained solely by subsistence harvest levels. Further, a review of available information on Cook Inlet beluga whales and their habitat did not provide any indication that activities other than the harvest were resulting in population-level effects.

Comment 12: The SAR for eastern North Pacific northern resident killer whale states that a population increases at the maximum growth rate only when the population is at extremely low levels; thus, the estimate of 2.92 percent is not a reliable estimate of R_{max} . While this statement may be generally true, or at least is consistent with density-dependence theory, it is not necessarily always the case, particularly for K-selected species in fluctuating environments (e.g., where life history or vital rates are limited by biological rather than ecological factors). In these cases, growth rates could approximate R_{max} at intermediate population levels.

Response: NMFS agrees that population growth rates could approximate R_{max} at intermediate population levels. However, the generalized logistic model is the best available scientific information in this case. Under the logistic model, R_{max} occurs only when population levels are low.

Comment 13: The AT1 group of transient killer whales is a discrete unit and should be a stock separate from the North Pacific transient killer whale stock.

Response: This comment was subsequently attached to a petition submitted to NMFS pursuant to section 115 of the MMPA requesting that the AT1 group of killer whales be recognized as a separate stock and designated as depleted. NMFS is currently evaluating the petition and will respond as required by the MMPA. If stock structure of transient killer whales in Alaska is modified as a result of this evaluation, NMFS will modify the SARs accordingly.

Comment 14: The range of observer coverage is not provided in Table 22 of the Gulf of Alaska harbor porpoise SAR. Although there is almost no observer coverage for gillnet fisheries that take

harbor porpoise, the level of coverage should be provided.

Response: The SARs for harbor porpoise were not updated in 2002. These SARs will be updated in 2003 and information on the range of observer coverage will be provided at that time.

Comment 15: It is not clear how estimated mortality rates were calculated from observed mortality rates in the SARs for Dall's porpoise. For example, observed mortality in 1990 was 6, and at the 74 percent coverage, the estimated mortality should have been 8.

Response: The estimated mortality rates cannot be calculated directly by multiplying the observer coverage by the observed mortality for the Bering Sea/Aleutian Islands groundfish trawl fishery. The overall estimated mortality rates, which are provided in the SAR, were calculated by multiplying the observer coverage in each fishery management zone by the observed mortality rates in each zone and summing the estimated mortality levels per zone. The level of observer coverage reflected in the table is the average over all the zones. Thus, if the observer coverage in one area is very high, the estimated mortality level will be only slightly higher than the observed mortality level, as was the case in 1990.

Comment 16: The population size and minimum population abundance estimates for the central North Pacific humpback whale are both based on data from 1991–1993 and are, therefore, out of date.

Response: In 2002, NMFS convened a small workshop to begin the development of a new estimate for a portion of this stock, and preliminary information will be available to include in the draft SAR for 2003. Because the estimate based on the 1991–1993 information is the best available for this stock, it will be retained until a new estimate is available.

Comment 17: The SAR for the North Pacific right whale states that there are no known habitat issues for this stock and also indicates that the NMFS has been petitioned to designate critical habitat for this species. These two statements seem inconsistent. More importantly, a concern leading to the petition seems to have been ignored. The only recent observations of right whales have occurred in an area where much commercial fishing occurs. If whales are disturbed by fishing activities, their use of potentially important habitat may be precluded by the presence of fishing vessels and fishing operations that generate extensive noise.

Response: There is not necessarily an inconsistency simply because the SAR states no habitat concerns concurrently with NMFS receiving a petition to designate critical habitat. Although petitioners expressed a concern that commercial fishing vessels may disturb whales by generating excessive noise, preliminary results of studies conducted on North Atlantic right whales indicate the whales have not changed their distribution or behavior in response to vessel noise. It is premature to list vessel disturbance as a “concern” in the SAR until the impacts of vessel noise on behavior or distribution is better understood.

Atlantic Regional SARs

Comment 18: The section of the Western North Atlantic right whale SAR related to net productivity rates states that no population growth rate can be used because the population is in decline.

Response: NMFS changed the PBR of this stock of right whales to 0.0 in the 2000 revision of the SARs. At that time, it was estimated that the stock was not likely to recover to its Optimum Sustainable Population levels if there was any recurring human-caused mortality. Because the population remains small and critically endangered, NMFS continues to hold that position. Therefore, whether or not there is a value that could be reported for the maximum net productivity rate, NMFS maintains that the PBR for the stock is 0.0 and that this estimate is consistent with the definition of PBR.

Comment 19: The population estimate for the Western North Atlantic stock of blue whales is at least 15 years old, therefore, cannot be assumed to be a reliable, current estimate.

Response: NMFS agrees, and a blue whale PBR has not been calculated in the final report.

Comment 20: SARs should not be limited to records of mortality and serious injury that occur only in the U.S. Exclusive Economic Zone (EEZ). Similar to other species reports, all human caused mortality of Western North Atlantic blue whales should be included in the report.

Response: NMFS does not have mortality data on Western North Atlantic blue whales outside U.S. waters and is not aware of incidents of human-caused deaths or serious injury on this population.

Comment 21: The “Fishery Interaction” section of the SAR for common dolphins (Western North Atlantic stock) describes a pelagic longline fishery, but the level of take is not provided in the text or in Table 2.

Response: Although 16 common dolphins were killed incidental to the pelagic longline fishery between 1990–2000, no animals were killed or seriously injured during the 5-year period (1996–2000). Therefore, the data were not included in Table 2.

Pacific Regional SARs

Comment 22: For Hawaiian monk seals, the pattern of residuals in the graph showing mean number of non-pups by year suggests that the fitted model may be too linear, and other models should be investigated to provide a better fit. The title for the Y-axis overlaps the units of measurement and is difficult to read.

Response: NMFS is currently investigating other analyses to interpret the data more precisely. However, the slope of the current model provides an average rate of population decline during the entire period covered in the graph.

Comment 23: Data for population size of Hawaiian Monk Seals in 2001 are available, and it would be useful to include them in the discussion and the graph.

Response: Although the data for 2001 are currently available, the estimates resulting from these data were not completed and reviewed prior to completion of the 2002 draft SARs. The new estimates will be included in future drafts for public review and comment.

Comment 24: In the fourth paragraph in the Hawaiian monk seal section and in the section on Other Mortality, references to biotoxins (e.g., ciguatoxins) have been removed. Although mortality due to biotoxins has not been confirmed, it has long been a matter of concern stemming largely from (1) the 1978 mass mortality of seals at Laysan Island, which may have resulted from ciguatoxins, and (2) observations that monk seals consumed fish that were discarded during bottomfish operations because those fish are known to contain potentially high levels of biotoxins (i.e., were not considered fit for human consumption). The lack of confirmation that biotoxins do, in fact, cause mortality could indicate they do not, but it could also indicate that methods for detection or monitoring of such mortality are inadequate. In view of the fact that the potential threat posed to monk seals by biotoxins cannot be reliably characterized and concerns about such threats appear to be justified on the basis of the existing information on monk seals (as well as information on biotoxin effects on other marine mammal species), this potential source of mortality should be described in the report.

Response: The role of biotoxins, such as ciguatoxin, in mortality of monk seals remains speculative. Any number of other factors could also be hypothesized to cause mortality to monk seals, but are not listed because they are not confirmed. As relevant information becomes available, NMFS will include a summary of this information in the SARs, including the effects of biotoxins on monk seals.

Comment 25: In the Fisheries Information section, there was confusion over the total number of sets and hooks fished in Hawaiian waters.

Response: Two sets of values were presented: one for Hawaii-based vessels and another for vessels landing on the U.S. west coast (excluding Alaska and Hawaii). The reported value of 20.2 million hooks fished in 2000 refers to Hawaiian-based vessels, which corresponds to approximately 12,000 fishing trips, or 1,700 hooks per set. The cited value of 285 sets in year 2000 refers to boats landing on the continental U.S. west coast. Information on the number of Hawaiian-based sets will be clarified in the final stock assessment.

Comment 26: The commenter noted that the abundance of false killer whales in regions yet unsurveyed is unknown, nor has their presence been established in the Northwestern Hawaiian Islands. The commenter also suggested that it might be more accurate to state that current estimates are negatively biased, with the extent of the potential bias being unknown.

Response: The abundance of Hawaiian false killer whales outside of previously surveyed areas is unknown, but their presence has been documented through longline fishery interactions. Given even a low density of animals outside previously surveyed areas and the large expanse of the study area, new population estimates are likely to exceed the currently published estimate by an unknown amount. Thus the current aerial survey estimate represents an underestimate, owing to a lack of survey coverage throughout the stock's range. Current abundance estimates are also negatively-biased because correction factors for the proportion of animals missed by the survey aircraft due to diving (availability bias) and poor searching conditions (perception bias) are not available. A research cruise conducted in summer and autumn 2002 in the Hawaiian EEZ is expected to provide reliable estimates of abundance of false killer whales throughout the Hawaiian EEZ. Revised abundances estimates for Hawaiian cetaceans are expected to appear in the 2004 SARs, which will be reviewed by the Pacific

SRG in late summer and fall of 2003 prior to public review and comment.

Comment 27: In Table 1 of the Fisheries Information section for harbor porpoise (Oregon/Washington coastal stock), estimates of mean annual take have not been included even though estimated mortality levels are included and, in most cases, are not zero. Although the observed mortality was recorded during experiments with pingers, it is not clear why the resulting take levels are not carried over into the final column.

Response: The mean annual take is included in Table 1 and is calculated as the average of the most recent 5 years of mortality estimates. The mean annual take of 9 (CV=0.62) harbor porpoise, calculated for the northern Washington marine set gillnet fishery in 1996–2000, includes mortality estimates for two of the years (1996 and 1997) in which acoustic alarm experiments were conducted in this fishery.

Dated: April 7, 2003.

Laurie K. Allen,

*Acting Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 03–9058 Filed 4–11–03; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 040903A]

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene a joint public meeting via conference call of the Reef Fish Advisory Panel (AP) and Reef Fish Scientific and Statistical Committee (SSC).

DATES: The meeting will be via conference call on April 28, 2003 beginning at 10 a.m. EDT.

ADDRESSES: Listening stations will be available at the following locations:

1. NMFS Southeast Regional Office, 9721 Executive Center Drive, North, St. Petersburg, FL 33702, Contact: Larry Kelley at 727–570–5301;
2. NMFS Panama City Laboratory, 3500 Delwood Beach Road, Panama City, FL, Contact: Gary Fitzhugh at 850–234–6541, extension 214.

Council address: Gulf of Mexico Fishery Management Council, 3018 U.S.

Highway 301 North, Suite 1000, Tampa, FL 33619.

FOR FURTHER INFORMATION CONTACT: Steven Atran, Population Dynamics Statistician, Gulf of Mexico Fishery Management Council; telephone: 813-228-2815.

SUPPLEMENTARY INFORMATION: The AP and Reef Fish SSC will be convened to review and comment on a proposed Amendment 21 to the Reef Fish Fishery Management Plan (FMP) to extend the time period for the Madison/Swanson and Steamboat Lumps marine reserves beyond their June 16, 2004 expiration date.

The Madison/Swanson and Steamboat Lumps marine reserves were implemented on June 19, 2000 with a 4-year sunset provision. The Madison/Swanson site is approximately 115 square nautical miles in size and is located about 40 nautical miles southwest of Apalachicola City, FL. Steamboat Lumps is approximately 104 square nautical miles in size and is located about 95 nautical miles west of Tarpon Springs, FL. Within each area, fishing is prohibited for all species except for highly migratory species, i.e., tunas, marlin, oceanic sharks, sailfishes, and swordfish. These marine reserves were created primarily to protect a portion of the gag spawning aggregations and to protect a portion of the offshore population of male gag. The areas are also suitable habitat and provide protection for many other species, such as scamp, red grouper, warsaw grouper, speckled hind, red snapper, red porgy, and others. If action is not taken to continue the reserves, they will cease to exist after June 16, 2004.

A copy of the agenda can be obtained by contacting the Council (see addresses above).

Although non-emergency issues not contained in the agenda may come before the AP/SSC for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), 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 MSFCMA, provided the public has been notified of the Council's intent to take final action to address the emergency.

The listening stations are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the

Council (see **ADDRESSES**) by April 21, 2003.

Dated: April 9, 2003.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 03-9061 Filed 4-11-03; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 032803D]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Applications for Exempted Fishing Permits (EFPs)

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

ACTION: Notification of a proposal for an EFP to conduct experimental fishing; request for comments.

SUMMARY: The Administrator, Northeast Region, NMFS (Regional Administrator) has made a preliminary determination that an EFP application submitted by the Mount Desert Oceanarium (MDO) of Southwest Harbor, ME, contains all of the required information and warrants further consideration. The EFP would allow one fishing vessel to fish for, retain, and land small numbers of regulated multispecies, monkfish, spiny dogfish, and several unmanaged species for the purpose of public display. NMFS has made a preliminary determination that the activities authorized under this EFP would be consistent with the goals and objectives of the Fishery Management Plans (FMPs) for the managed species. However, further review and consultation may be necessary before a final determination is made to issue the EFP. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

DATES: Comments on this notification must be received at the appropriate address or fax number (see **ADDRESSES**) on or before April 29, 2003.

ADDRESSES: Comments should be sent to Patricia Kurkul, Regional Administrator, Northeast Regional Office, NMFS, One Blackburn Drive, Gloucester, MA 01930. Mark on the outside of the envelope "Comments on MDO Exempted Fishing Permit Application."

FOR FURTHER INFORMATION CONTACT: Paul H. Jones, Fishery Policy Analyst, 978-281-9273, fax 978-281-9135, e-mail Paul.H.Jones@noaa.gov.

SUPPLEMENTARY INFORMATION: The MDO of Southwest Harbor, ME, submitted an application for an EFP on February 14, 2003, to collect several species of fish for public display. The target species would include winter flounder (blackbacks), witch flounder (dabs), yellowtail flounder, American plaice (grey sole), Atlantic halibut, monkfish, eel pouts, sculpins, sea ravens, Atlantic cod, wolfish, spiny dogfish, little skate, barndoor skate, and various species of the Phyla Arthropoda (not including lobsters) and Echinodermata.

A single chartered vessel would use a shrimp trawl with 2-inch (5.08-cm) mesh to collect marine fish with approximately 2-tows per day over a 2-day period from May 12, 2003, through May 20, 2003, and over a 2-day period from June 23, 2003, through June 30, 2003. Tow lengths would be between 10 minutes to 1 hour. The specimens would be cared for in chilled and aerated seawater while on board the fishing vessel and would be transferred live to tanks the day they are caught. The fish would be brought to shore, maintained in tanks for public display for a period of time not to exceed 5 months, and would be returned to the sea in October 2003.

Collection would be made using a 2-inch (5.08-cm) mesh shrimp net within the Small Mesh Northern Shrimp Fishery Exemption Area (Area) off Maine. Since the shrimp fishery would be closed at the time of collection, an exemption from the Northeast multispecies minimum mesh regulation of 6-inch (15.24-cm) diamond/6.5-inch (16.51-cm) square mesh at 50 CFR 648.80(a)(2) for vessels operating in the Area would be required. If the target species cannot be found in the Area, an exemption from the Northeast multispecies minimum mesh regulation of 6-inch (15.24-cm) diamond/6.5-inch (16.51-cm) square mesh at 50 CFR 648.80(a)(2) would be required to allow collection farther east and southeast in portions of the Gulf of Maine/Georges Bank Regulated Mesh Area.

In addition, the applicant has requested exemptions from monkfish and multispecies days-at-sea requirements at 50 CFR 648.92 and 648.82. The target species would include winter flounder (blackbacks), witch flounder (dabs), yellowtail flounder, American plaice (grey sole), Atlantic halibut, monkfish, eel pouts, sculpins, sea ravens, Atlantic cod, wolfish, spiny dogfish, little skate,

barndoor skate, and various species of the Phyla Arthropoda (not including lobsters) and Echinodermata.

The applicant would retain a maximum of six fish per species, juveniles and adults combined with the exception of Atlantic halibut. The applicant would only be permitted to retain a total of one Atlantic halibut with a minimum length of 36 inches (91.44 cm). The applicant has requested exemption from minimum fish sizes and possession limits at 50 CFR 648.83, 648.86, 648.89, 648.93, 648.94 (multispecies and monkfish fisheries); 648.103, 648.105 (summer flounder fishery); 648.124, 648.125 (scup fishery); and 648.143, 648.145 (black sea bass fishery).

Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

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

Dated: April 8, 2003.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 03-9060 Filed 4-11-03; 8:45 am]

BILLING CODE 3510-22-S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comments on Commercial Availability Request under the African Growth and Opportunity Act (AGOA)

April 10, 2003.

AGENCY: The Committee for the Implementation of Textile Agreements (CITA).

ACTION: Request for public comments concerning a request for a determination that certain light- and medium-weight dyed warp pile cotton velvet, for use in apparel articles, cannot be supplied by the domestic industry in commercial quantities in a timely manner.

SUMMARY: On April 8, 2003, the Chairman of CITA received a petition from Crystal Apparel Limited of Hong Kong and Sinotex Mauritius Limited in Mauritius alleging that certain light- and medium-weight dyed warp pile cotton velvet for use in men's and boys' jackets and pants and women's and girls' jackets, dresses, skirts, pants, and shorts cannot be supplied by the domestic industry in commercial quantities in a timely manner. It requests that such apparel articles of such fabrics be eligible for preferential treatment under the AGOA. CITA hereby solicits public comments on this request, in particular

with regard to whether these fabrics can be supplied by the domestic industry in commercial quantities in a timely manner. Comments must be submitted by April 29, 2003, to the Chairman, Committee for the Implementation of Textile Agreements, Room 3001, United States Department of Commerce, Washington, D.C. 20230.

EFFECTIVE DATE: April 14, 2003.

FOR FURTHER INFORMATION CONTACT: Anna Flaaten, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3400.

SUPPLEMENTARY INFORMATION:

Authority: Section 112(b)(5)(B) of the AGOA, Section 1 of Executive Order No. 13191 of January 17, 2001.

Background

The AGOA provides for quota- and duty-free treatment for qualifying textile and apparel products. Such treatment is generally limited to products manufactured from yarns or fabrics formed in the United States or a beneficiary country. The AGOA also provides for quota- and duty-free treatment for apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries from fabric or yarn that is not formed in the United States or a beneficiary sub-Saharan African country, if it has been determined that such fabric or yarns cannot be supplied by the domestic industry in commercial quantities in a timely manner. In Executive Order No. 13191, the President delegated to CITA the authority to determine whether yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner under the AGOA and directed CITA to establish procedures to ensure appropriate public participation in any such determination. On March 6, 2001, CITA published procedures in the Federal Register that it will follow in considering requests. (66 FR 13502).

On April 8, 2003, the Chairman of CITA received a petition from Crystal Apparel Limited of Hong Kong and Sinotex Mauritius Limited in Mauritius alleging that certain light- and medium-weight dyed warp pile cotton velvet, classified in subheading 5801.25.00 of the Harmonized System of the United States, with the following specifications, cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting quota- and duty-free treatment under the AGOA for certain jackets, dresses, skirts, pants and shorts, that are cut and sewn

in one or more beneficiary sub-Saharan African countries from such fabrics:

1. Name: light-weight dyed warp pile velvet
HTS subheading: 5801.25.00
Fiber Composition: 100 percent combed cotton
Yarn: 230 g/m² to 260 g/m²
Construction:
Woven Fabric - 96 x 98
Warp - 42/2 ply + 42/2 ply
Weft - 32 single yarn

Woven Fabric - 96 x 102
Warp - 42/2 ply + 60/2 ply
Weft - 32 single yarn
2. Name: medium-weight dyed warp pile velvet
HTS subheading: 5801.25.00
Fiber Composition: 97 to 98 percent cotton, up to 3 percent spandex yarn
Yarn: 280 g/m² to 330 g/m²
Construction:
Woven Fabric - 110 x 84
Warp - 42/2 ply + 50/2 ply
Weft - 30 single yarn + 40 denier spandex

Woven Fabric - 126 x 84
Warp - 42/2 ply + 50/2 ply
Weft - 30 single yarn + 40 denier spandex

CITA is soliciting public comments regarding this request, particularly with respect to whether such fabrics can be supplied by the domestic industry in commercial quantities in a timely manner. Also relevant is whether other products that are supplied by the domestic industry in commercial quantities in a timely manner are substitutable for the fabrics for the purposes of the intended use. Comments must be received no later than April 29, 2003. Interested persons are invited to submit six copies of such comments or information to the Chairman, Committee for the Implementation of Textile Agreements, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, DC 20230.

If a comment alleges that such fabrics can be supplied by the domestic industry in commercial quantities in a timely manner, CITA will closely review any supporting documentation, such as a signed statement by a manufacturer of the yarn or fabric stating that it produces the fabrics that are the subject of the request, including the quantities that can be supplied and the time necessary to fill an order, as well as any relevant information regarding past production.

CITA will protect any business confidential information that is marked business confidential from disclosure for the full extent permitted by law. CITA will make available to the public non-confidential versions of the request and non-confidential versions of any public comments received with respect to a request in room 3100 in the Herbert Hoover Building, 14th and Constitution Avenue, N.W., Washington, DC 20230.

Persons submitting comments on a request are encouraged to include a non-confidential version and a non-confidential summary.

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.03-9204 Filed 4-10-03; 3:18 pm]

BILLING CODE 3510-DR-S

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before May 14, 2003.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Lauren Wittenberg, Acting Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address Lauren_Wittenberg@omb.eop.gov.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of

collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: April 8, 2003.

John D. Tressler,

Leader, Regulatory Management Group, Office of the Chief Information Officer.

Office of Educational Research and Improvement

Type of Review: New.

Title: National Assessment of Educational Progress: Foreign Language Assessment, Field Test 2003 and Full Scale 2004.

Frequency: One-time.

Affected Public: Individuals or household; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 16,064.

Burden Hours: 5,623.

Abstract: The National Assessment of Educational Progress Foreign Language Assessment will assess the current status of the foreign language skills of high school seniors in the U.S. as well as collecting information about foreign language programs, instructional practices, and attitudes towards learning foreign languages.

Requests for copies of the submission for OMB review; comment request may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 2222. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202-4651 or to the e-mail address vivan.reese@ed.gov. Requests may also be electronically mailed to the internet address OCIO_RIMG@ed.gov or faxed to (202) 708-9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Katrina Ingalls at (703) 620-3655 or via her e-mail address Katrina.Ingalls@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. 03-8999 Filed 4-11-03; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Leader, Regulatory Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: An emergency review has been requested in accordance with the Act (44 U.S.C. Chapter 3507 (j)), since public harm is reasonably likely to result if normal clearance procedures are followed. Approval by the Office of Management and Budget (OMB) has been requested by April 14, 2003. A regular clearance process is also beginning. Interested persons are invited to submit comments on or before June 13, 2003.

ADDRESSES: Written comments regarding the emergency review should be addressed to the Office of Information and Regulatory Affairs, Attention: Lauren Wittenberg, Desk Officer: Department of Education, Office of Management and Budget; 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address Lauren_Wittenberg@omb.eop.gov.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Director of OMB provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The Office of Management and Budget (OMB) may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Leader, Information Management Group, Office of the Chief Information Officer, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.*, new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and

proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. ED invites public comment. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on respondents, including through the use of information technology.

Dated: April 9, 2003.

John D. Tressler,

*Leader, Regulatory Management Group,
Office of the Chief Information Officer.*

Office of Postsecondary Education

Type of Review: Reinstatement.

Title: Preparing Tomorrow's Teachers to Use Technology.

Abstract: Capacity Building and Catalyst grants will be awarded for two years to prepare future teachers to use modern learning technologies. These grants will address critical issues in the integration of technology into the classroom curriculum. These issues include (1) access to modern educational tools; (2) support in the preparation of well-qualified, technology proficient teachers; (3) and bridging the digital equity to ensure access to modern learning technology and qualified teachers for all students

Additional Information: Congress surprised this program with substantial funding during their staff reengineering. This information collection needs to reach the public soon in order to avoid staff conflicts within the schools.

Frequency: Annually.

Affected Public: Not-for-profit institutions; businesses or other for-profit; State, Local, or Tribal Gov't, SEAs or LEAs

Reporting and Recordkeeping Hour Burden:

Responses: 450.

Burden Hours: 18,000.

Requests for copies of the proposed information collection request may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 2253. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to Vivian Reese, Department of Education, 400 Maryland

Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202-4651 or to the e-mail address vivan.reese@ed.gov. Requests may also be electronically mailed to the internet address OCIO_RIMG@ed.gov or faxed to 202-708-9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements, contact Joseph Schubart at (202) 708-9266 or via his e-mail address Joe.Schubart@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. 03-9121 Filed 4-11-03; 8:45 am]

BILLING CODE 4000-01-U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99-301-074]

ANR Pipeline Company; Notice of Negotiated Rate Filing

April 7, 2003.

Take notice that on April 1, 2003, ANR Pipeline Company (ANR), tendered for filing and approval a Service Agreement between ANR and Dynegy Marketing and Trade pursuant to ANR's Rate Schedule FTS-3 (the Agreement). ANR requests that the Commission accept and approve the Agreement to be effective on 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: April 14, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03-9102 Filed 4-11-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03-329-000]

ANR Pipeline Company; Notice of Tariff Filing

April 3, 2003.

Take notice that on March 31, 2003, ANR Pipeline Company (ANR), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, with an effective date of May 1, 2003:

Ninth Revised Sheet No. 10
Fifth Revised Sheet No. 46
Third Revised Sheet No. 47
Second Revised Sheet No. 48
Fifth Revised Sheet No. 49
First Revised Sheet No. 49A
Second Revised Sheet No. 50
Fourth Revised Sheet No. 51
Third Revised Sheet No. 80
Fifth Revised Sheet No. 84
Sixth Revised Sheet No. 85
Fifth Revised Sheet No. 91
First Revised Sheet No. 96
Second Revised Sheet No. 101A
Original Sheet No. 101B

ANR states that the revised tariff sheets are being filed in order to provide more flexibility to its current firm storage service, by primarily modifying the time frame within which storage service can be sold. ANR also proposes to adopt a time line defining under which circumstances ANR must consider requests and accept or reject requests for any service at maximum rates.

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 website 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: April 14, 2003.

Magalie R. Salas,
Secretary.

[FR Doc. 03-9259 Filed 4-11-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03-332-000]

CenterPoint Energy Gas Transmission Company; Notice of Filing

April 7, 2003.

Take notice that on April 1, 2003, CenterPoint Energy Gas Transmission Company (CEGT) submitted its Annual Revenue Crediting Filing pursuant to its FERC Gas Tariff, Sixth Revised Volume No. 1, section 5.7(c)(ii)(2)B (Imbalance Cash Out), section 23.2(b)(iv) (IT, SBS and PHS Revenue Crediting) and section 23.5 (IT Revenue Credit).

CEGT states that its filing addresses the period from February 1, 2002, through January 31, 2003. CEGT states that the IT and FT Cash Balancing Revenue Credits and the IT Revenue Credit for the period reflected in this filing are zero. CEGT further states that since CEGT's current tariff sheets already reflect zero Cash Balancing and IT Revenue Credits, no tariff revisions are necessary.

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 on or before the

comment date. 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: April 14, 2003.

Magalie R. Salas,
Secretary.

[FR Doc. 03-9100 Filed 4-11-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP03-74-000]

Dominion Cove Point LNG, LP; Notice of Application

April 7, 2003.

Take notice that on March 28, 2003, Dominion Cove Point LNG, LP (Dominion Cove Point), 120 Tredegar Street, Richmond, Virginia 23219, filed with the Federal Energy Regulatory Commission (Commission) in Docket No. CP03-74-000, an application pursuant to section 7(c) of the Natural Gas Act and part 157 of the Commission's regulations for authorization to construct, install, own, operate, and maintain two new compressor stations, Loudoun Station and Pleasant Valley Station (Cove Point East Project), to be located in Loudoun and Fairfax Counties, Virginia, respectively, as more fully described in the application. 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 for TTY, contact (202) 502-8659.

Specifically, Dominion Cove Point requests authorization to construct the Loudoun Station, consisting of two 4,735 horsepower (hp) gas-fired compressor units and one 2,370 hp gas-fired compressor unit, and the Pleasant Valley Station, consisting of one 4,750 hp electric driven compressor unit and one 2,750 hp electric driven compressor unit, as well as appurtenant facilities at both stations. Dominion Cove Point states that both proposed new compressor stations will be constructed on land owned by Dominion Cove Point, and estimates the total cost of the project to be approximately \$43.5 million. Dominion Cove Point proposes to price the new service incrementally and to establish an electric tracker applicable to customers of the proposed project.

Dominion Cove Point explains that, as part of an uncontested settlement approved by the Commission on February 27, 2003, Dominion Cove Point was required to file an application, on or before March 31, 2003, for certificate authority to construct facilities necessary to create firm transportation capacity from west to east on its system. By this application, Dominion Cove Point proposes to create such west to east transportation service. Dominion Cove Point states that it has entered into precedent agreements with two shippers for all 445,000 Dth/d of the project's incremental capacity.

Dominion Cove Point requests that the Commission issue a final order by September 30, 2003.

Any questions regarding this application should be directed to Mr. Sean R. Sleigh, Certificates Manager, Dominion Cove Point LNG, LP, 120 Tredegar Street, Richmond, Virginia 23219, or call (304)627-3462 or FAX (304)627-3305.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of

all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission may issue a preliminary determination on non-environmental issues prior to the completion of its review of the environmental aspects of the project. This preliminary determination typically considers such issues as the need for the project and its economic effect on existing customers of the applicant, on other pipelines in the area, and on landowners and communities. For example, the Commission considers the extent to which the applicant may need to exercise eminent domain to obtain rights-of-way for the proposed project and balances that against the non-environmental benefits to be provided by the project. Therefore, if a person has comments on community and landowner impacts from this

proposal, it is important either to file comments or to intervene as early in the process as possible.

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: April 28, 2003.

Magalie R. Salas,
Secretary.

[FR Doc. 03-9091 Filed 4-11-03; 8:45 am]
BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99-485-004]

Enbridge Pipelines (KPC); Notice of Compliance Filing

April 7, 2003.

Take notice that on April 2, 2003, Enbridge Pipelines (KPC) (KPC) tendered for filing revised tariff sheets listed on Appendix A which are to be included in its FERC gas Tariff, First Revised Volume No. 1. KPC requests that these tariff sheets be made effective April 1, 2003.

KPC states that the purpose of the filing is to comply with the Commission's Order on Rehearing issued on March 19, 2003, wherein the Commission ordered KPC to reduce its cost of long-term debt from 8.64% to 8.45%.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's rules and regulations. All such 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. 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.

Protest Date: April 14, 2003.

Magalie R. Salas,
Secretary.

[FR Doc. 03-9103 Filed 4-11-03; 8:45 am]
BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP03-75-000]

Freeport LNG Development, L.P.; Notice of Application

April 7, 2003.

Take notice that on March 28, 2003, Freeport LNG Development, L.P., (Freeport LNG), 1200 Smith Street, Suite 600, Houston, Texas 77002, filed an application pursuant to section 3 of the Natural Gas Act (NGA) and parts 153 and 380 of the Commission's regulations for authorization to site, construct and operate a liquefied natural gas (LNG) receiving terminal and associated facilities in the Freeport, Texas area as a place of entry for the importation of LNG, all as more fully set forth in the application 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.

Freeport LNG states that it proposes to construct the Freeport LNG Terminal in response to the growing demand for natural gas in Texas intrastate markets. Freeport LNG explains that the Freeport LNG Terminal will be comprised of an LNG receiving facility (including docking facilities and associated piping appurtenances); an LNG storage and vaporization facility (including two LNG storage tanks, vaporization units and associated piping and control

equipment; and 9.38 miles of 36-inch diameter send out pipeline as well as metering facilities and associated appurtenances.

Freeport LNG states that the Freeport LNG Terminal will be located on Quintana Island, southeast of Freeport, Brazoria County, Texas. Freeport LNG avers that the Freeport LNG Terminal will not be used to provide jurisdictional interstate transportation service. Freeport LNG states that the facilities will instead be used to engage in commerce between the State of Texas and foreign nations. Freeport LNG maintains that since it does not intend to use the proposed facilities to import LNG on its own behalf, but rather, to provide terminal services to third parties, shippers utilizing the Freeport LNG facilities will be required to obtain authorization from the Department of Energy/Office of Fossil Energy for the import of natural gas.

Freeport LNG states that LNG will be transported through a send out pipeline from Quintana Island to the Stratton Ridge meter station, which will serve as the terminus of the Freeport LNG Termination. Freeport LNG states that interconnection facilities will be constructed between the Stratton Ridge meter station and certain intrastate systems with facilities in close proximity to the Stratton Ridge meter station in order to connect the report LNG terminal with Texas markets. Freeport LNG states that the interconnection facilities will be constructed by the respective intrastate pipelines. In addition, Freeport LNG states that the Freeport LNG Terminal is anticipated to be completed and placed in service in time to meet natural gas demand during the 2006–2007 winter heating season.

Any questions regarding this application should be directed to Lisa M Tonery, King & Spalding LLP, 1185 Avenue of the Americas, New York, New York 10036–4003, at (212) 556–2100, fax (212) 556–2222.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.214 or 385.211) and the regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the

Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made in the proceeding, with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission may issue a preliminary determination on non-environmental issues prior to the completion of its review of the environmental aspects of the project. This preliminary determination typically considers such issues as the need for the project and its economic effect on existing customers of the applicant, on other pipelines in the area, and on landowners and communities. For example, the Commission considers the extent to which the applicant may need to exercise eminent domain to obtain rights-of-way for the proposed project and balances that against the non-environmental benefits to be provided by the project. Therefore, if a person has comments on community

and landowner impacts from this proposal, it is important either to file comments or to intervene as early in the process as possible.

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 the section 3 authorization will be issued.

Comment Date: April 29, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–9092 Filed 4–11–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL03–115–000]

Neptune Regional Transmission System, LLC, Complainant v. Reliant Energy New Jersey Holdings, LLC, and Reliant Resources, Inc., Respondents; Notice of Complaint

April 8, 2003.

Take notice that on April 4, 2003, Neptune Regional Transmission System, LLC (NeptuneRTS(TM)) tendered for filing a Complaint pursuant to Sections 201, 202, 203, 210, and 306 of the Federal Power Act against Reliant Energy New Jersey Holdings, LLC and Reliant Resources, Inc. (Reliant). The Complaint asks the Commission to grant the request of NeptuneRTS for fast track processing and seeks an order directing Reliant to execute, within 7 days of the Order, certain agreements relating to access to jurisdictional transmission assets located on property owned by Reliant. The complaint alleges that Reliant is exercising its control over easements to preclude competitors from accessing the transmission system. Among other things, the complaint raises the issue of what entity has jurisdiction to order access to Reliant's property.

NeptuneRTS(TM) states that copies of the filing were served upon Reliant; FirstEnergy Corp.; Pennsylvania-Jersey-Maryland Interconnection, LLC; Consolidated Edison Company of New

York, Inc.; the New Jersey Board of Public Utilities; the New Jersey Department of Environmental Protection; and the New York Department of Public Service.

Any person desiring to be heard 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. The answer to the complaint and all comments, interventions or protests must be filed on or before comment date. 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 for TTY, contact (202) 502-8659. The answer to the complaint, 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.

Comment Date: April 23, 2003.

Magalie R. Salas,
Secretary.

[FR Doc. 03-9106 Filed 4-11-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99-518-037]

PG&E Gas Transmission, Northwest Corporation; Notice of Negotiated Rates

April 7, 2003.

Take notice that on April 1, 2003, PG&E Gas Transmission, Northwest Corporation (GTN) tendered for filing to be part of its FERC Gas Tariff, Second Revised Volume No. 1-A., Sixth Revised Sheet No. 15, Second Revised Sheet No. 18, Third Revised Sheet No. 19, Second

Revised Sheet No. 20, and Original Sheet No. 2, with an effective date of April 1, 2003.

GTN states that these sheets are being filed to reflect the implementation of three Negotiated Rate Agreements and the removal of three Negotiated Rate Agreements that have expired.

GTN further states that a copy of this filing has been served on GTN's jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.314 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: April 14, 2003.

Magalie R. Salas,
Secretary.

[FR Doc. 03-9104 Filed 4-11-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER03-305-000]

Quonset Point Cogen, L.P.; Notice of Issuance of Order

April 7, 2003.

Quonset Point Cogen, L.P. (Quonset) filed an application for market-based rate authority, with an accompanying tariff. The proposed tariff provides for the sale of capacity and energy at

market-based rates. Quonset also requested waiver of various Commission regulations. In particular, Quonset requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by Quonset.

On April 2, 2003, pursuant to delegated authority, the Director, Division of Tariffs and Market Development—South, granted the request for blanket approval under part 34, subject to the following:

Any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Quonset should file a motion to intervene or protest 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).

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is May 2, 2003.

Absent a request to be heard in opposition by the deadline above, Quonset are authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of Quonset, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Quonset's issuances of securities or assumptions of liability.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also 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. 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.

Magalie R. Salas,
Secretary.

[FR Doc. 03-9094 Filed 4-11-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****[Docket No. EL03-116-000]****Reliant Energy Mid-Atlantic Power Holdings, LLC, Complainant, v. PJM Interconnection, L.L.C., Respondent; Notice of Complaint**

April 7, 2003.

Take notice that on April 2, 2003, Reliant Energy Mid-Atlantic

Power Holdings, LLC (Reliant) tendered for filing a complaint pursuant to section 206 of the Federal Power Act against PJM Interconnection, L.L.C. (PJM) complaining that the price caps on certain of its generation facilities in the PJM operating area subject to chronic transmission constraints were not just and reasonable and requesting approval of a Formula Price Cap Mitigation Proposal (Proposal) applicable to those facilities. Reliant requested that the proposal be accepted by May 30, 2003.

Any person desiring to be heard 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. The answer to the complaint and all comments, interventions or protests must be filed on or before the comment date. 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 for TTY, contact (202) 502-8659. The answer to the complaint, 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.

Comment Date: April 22, 2003.Magalie R. Salas,
Secretary.

[FR Doc. 03-9093 Filed 4-11-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****[Docket Nos. PA02-2-000, EL00-95-048, EL00-98-042, and EL01-10-007]****Fact Finding Investigation of Potential Manipulation of Electric and Natural Gas Prices, San Diego Gas & Electric Company, Complainant, v. Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator and the California Power Exchange, Respondents; Investigation of Practices of the California Independent System Operator and the California Power Exchange Puget Sound Energy, Inc., et al., Complainant, v. All Jurisdictional Sellers of Energy and/or Capacity at Wholesale Into Electric Energy and/or Capacity Markets in the Pacific Northwest, Including Parties to the Western Systems Power Pool Agreement, Respondent (Not Consolidated); Notice Regarding Public Accessibility of Data and Further Requests for Comments**

April 7, 2003.

On March 5, 2003, the Commission issued a notice that it intended to release to the public information collected in its investigation into manipulation of energy prices in the West, and sought, by March 12, 2003, comments from those companies and individuals who submitted information during the course of the investigation. Eighteen companies or organizations, as well as the United States Attorney for the Southern District of Texas, filed comments or otherwise responded. Enron Corporation was not among those respondents. On March 21, 2003, the Commission issued an order addressing the comments and responses to its March 12, 2003, notice, and further announced that it would release the information, except as noted in the order, in no less than five days after issuance of the order. One exception to the release was personal personnel information that was raised by three of the commenters. In this regard, the Commission asked that companies or individuals provide specifics by March 24, 2003, so that such information could be excluded from the public release. One company provided such details.

Thereafter, on March 26, 2003, the Commission released the remaining information. 102 FERC ¶ 61,311.

Subsequent to the release of the information, on March 28, 2003, the Commission received the first of several motions from Enron asking that certain parts of the released information be removed from public access. These motions in particular attempted to identify Enron employees' personal information, including social security numbers. The Commission also received calls on its Enforcement Hotline from Enron employees who were concerned about their personal information being available on the internet. Finally, the Commission was contacted by a consulting firm which had given Enron information with security implications, which Enron in turn had given the Commission's staff during the investigation. As quickly as possible, the Commission staff accommodated the requests involving personal and security related information.

On April 4, 2003, the Commission was notified that Enron had filed a petition for writ of mandamus and an emergency motion to stay the March 21, 2003, order in the United States Court of Appeals for the Fifth Circuit. Enron states that it seeks only one thing: that all Enron e-mails posted on the Commission's Web site be removed for a period of 10 days, or for such longer period as the Court may deem appropriate, so that certain information could be removed from the e-mails.

The Commission hereby gives notice that it will remove temporarily, until April 24, 2003, Enron emails from the agency's web site. During that time, the Commission will consider any requests that certain personal information or information with security implications be permanently removed from public accessibility. With respect to claims regarding supposed trade secrets, the Commission has already considered and denied requests that such information should be removed.

The Commission stresses that all comments filed in response to this notice must be detailed and specific, and should provide sufficient information that the documents can be readily located. Generalized comments or concerns will not be considered sufficient grounds for removal of information from public accessibility. All comments must be filed by April 17, 2003.

Comments due: April 17, 2003.Magalie R. Salas,
Secretary.

[FR Doc. 03-9096 Filed 4-11-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. RP03-324-000]

Southern Star Central Gas Pipeline, Inc.; Notice of Tariff Filing

April 3, 2003.

Take notice that on March 31, 2003, Southern Star Central Gas Pipeline, Inc. (Southern Star) tendered for filing as part of its FERC Gas Tariff, Original Volume No.1, Original Sheet No. 0 through Original Sheet No. 514, to become effective April 30, 2003.

Southern Star states that the purpose of this filing is to restate Southern Star's FERC Gas Tariff, Original Volume No. 1 to reflect its name change to Southern Star Central Gas Pipeline, LLC rather than Williams Gas Pipelines Central, Inc. as currently on file with the Commission. Southern Star states that the instant filing reflects the change to Southern Star, the repagination of tariff sheets and minor modifications to the text of various tariff sheets to reflect the repagination. Southern Star also states that the instant filing makes no changes to the Rates, Rate Schedules, General Terms and Conditions or Form of Service Agreements.

Southern Star further states that copies of the transmittal letter and appendices (excluding Appendix C) are being mailed to Southern Star's jurisdictional 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: April 14, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03-9098 Filed 4-11-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. RP96-312-120]

Tennessee Gas Pipeline Company; Notice of Negotiated Rates

April 7, 2003.

Take notice that on March 31, 2003, Tennessee Gas Pipeline Company (Tennessee), tendered for filing: (1) A Gas Transportation Agreement between Tennessee and BP Energy Company (BP), dated January 1, 2003; (2) a Firm Transportation Negotiated Rate Letter Agreement between Tennessee and BP, dated January 8, 2003; (3) a Gas Transportation Agreement between Tennessee and Consolidated Edison Energy, Inc. (CON ED), dated September 5, 2002; and (4) a Firm Transportation Negotiated Rate Letter Agreement between Tennessee and CON ED, dated February 11, 2003. The filed agreements represent negotiated rate arrangements between Tennessee and BP, and Tennessee and CON ED, for which Tennessee is requesting Commission approval, effective May 1, 2003. In addition, Tennessee states that the negotiated rate arrangements are being filed in compliance with the Commission's "Order Issuing the Certificates and Approving Abandonments" issued on June 28, 2002, in Docket Nos. CP02-46 and CP02-47. Dominion Transmission, Inc., *et al.*, 99 FERC • 61,367 (2002).

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: April 14, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03-9101 Filed 4-11-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. CP03-72-000]

Transcontinental Gas Pipe Line Corporation; Notice of Application

April 8, 2003.

Take notice that on March 27, 2003, Transcontinental Gas Pipe Line Corporation (Transco), filed in Docket No. CP03-72-000, an application, in abbreviated form, pursuant to Section 7(b) of the Natural Gas Act, as amended, and the Rules and Regulations of the Federal Energy Regulatory Commission (Commission), for an order permitting and approving abandonment of certain firm sales service provided to Virginia Natural Gas, Inc. (VNG) under Transco's Rate Schedule FS, as more fully set forth in the application which is on file with the Commission and open to public inspection.

In such application, Transco states that it entered into a firm sales agreement with United Cities Gas Company, South Carolina Division, on August 1, 1991, under which Transco sells gas to VNG, successor to United Cities Gas Company, under Rate Schedule FS, with Buyer's Daily Sales Entitlement amount listed on Exhibit "A" to the agreement (FS Agreement).

In accordance with Paragraph 1 of Article IV of the FS Agreement, Transco delivers gas to VNG at various upstream points of delivery. Transco acts as agent for Piedmont for the purpose of arranging for the transportation of gas purchased from the points of delivery to

the points of redelivery identified in the FS Agreement.

In the instant application, Transco seeks authorization to abandon the FS Agreement to VNG, effective April 1, 2004, pursuant to Piedmont's election to terminate its FS Agreement.

Transco states that the Primary Term of the FS Agreement ended on March 31, 2001. By letter dated March 6, 2002, VNG provided Transco with a two-year notice to terminate the subject FS Agreement as of April 1, 2004.

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 on or before the comment date. 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: April 28, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03-9105 Filed 4-11-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03-331-000]

Vector Pipeline L.P.; Notice of Proposed Withdrawal of Tariff Sheets

April 7, 2003.

Take notice that on April 1, 2003, Vector Pipeline L.P. (Vector), gave notice of the withdrawal of Original Sheet Nos. 173 and 174 of its FERC Gas Tariff, Volume No. 1 and the

substitution therefore of place holder tariff sheets. These tariff sheets summarize negotiated rate transactions that have terminated. Vector requests an effective date of April 1, 2003, for the withdrawal. Vector further requests a waiver of the 30-day notice period so that the proposed place holder tariff sheets can go into effect on 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: April 14, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03-9099 Filed 4-11-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 2407-060]

Alabama Power Company; Notice of Availability of Environmental Assessment

April 7, 2003.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, the Office of Energy Projects has reviewed the application filed June

8, 2001, requesting the Commission's authorization to amend the project license. An environmental assessment (EA) is available for public review. The EA analyzes the environmental impacts of approving Alabama Power Company's (licensee for the Yates/Thurlow Project, FERC No. 2407) request to amend the project license to increase the generation capacity and hydraulic capacity to the as-built capacities.

A copy of the EA 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, contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at (866) 208-3676, or for TTY, contact (202) 502-8659.

Anyone may file comments on the EA. The public, Federal and State resource agencies are encouraged to provide comments. All written comments must be filed within 45 days of the issuance date of this notice shown above. Send an original and eight copies of all comments marked with the docket number P-2407-060 to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. If you have any questions regarding this notice, please contact Sean Murphy at telephone: (202) 502-6145 or email: sean.murphy@ferc.gov.

Magalie R. Salas,

Secretary.

[FR Doc. 03-9095 Filed 4-11-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP03-13-000]

Northwest Pipeline Corporation; Notice of Availability of the Environmental Assessment for the Proposed Clackamas River Project

April 7, 2003.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) on the natural gas pipeline facilities proposed to be abandoned by Northwest Pipeline Corporation (Northwest) in the above-referenced docket.

The EA was prepared to satisfy the requirements of the National Environmental Policy Act. The staff

concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

The EA assesses the potential environmental effects of:

- Abandoning in place a 5,850-foot-long segment of pipeline on the north side of Clackamas River;
- Abandoning by removal a 370-foot-long segment of pipeline in the Clackamas River. No disturbance of Northwest's parallel 20-inch-diameter loop is required;
- Abandoning in place a 1,267-foot-long segment of pipeline on the south side of the Clackamas River; and
- Constructing and operating a temporary pig launching facility within the existing fenced-in yard of the Southeast Portland Meter Station and a temporary pig receiving facility just north of the Oregon City Compressor Station.

The purpose of the proposed project is to remove a hazard (an exposed pipeline) from the Clackamas River.

Any person wishing to comment on the EA may do so. To ensure consideration prior to a Commission decision on the proposal, it is important that we receive your comments before the date specified below. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send two copies of your comments to: Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426;
- Label one copy of the comments for the attention of the Gas Branch 2, PJ11.2;
- Reference Docket No. CP03-013-000; and
- Mail your comments so that they will be received in Washington, DC on or before May 5, 2003.

Please note that we are continuing to experience delays in mail deliveries from the U.S. Postal Service. The Commission strongly encourages electronic filing of any comments or interventions or protests to this proceeding. See 18 CFR

385.2001(a)(1)(iii) and the instructions on the Commission's Web site at <http://www.ferc.gov> under the "e-Filing" link and the link to the User's Guide. Before you can file comments you will need to create a free account which can be created by clicking on "Login to File" and then "New User Account."

Comments will be considered by the Commission but will not serve to make the commentator a party to the proceeding. Any person seeking to

become a party to the proceeding must file a motion to intervene pursuant to rule 214 of the Commission's rules of practice and procedures (18 CFR 385.214). Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your comments considered.

The EA has been placed in the public files of the FERC. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference and Files Maintenance Branch, 888 First Street, NE., Room 2A, Washington, DC 20426, (202) 502-8371.

Copies of the EA have been mailed to Federal, State and local agencies, public interest groups, interested individuals, newspapers, and parties to this proceeding.

Additional information about the project is available from the Commission's Office of External Affairs, at 1-866-208-FERC or on the FERC Internet Web site (<http://www.ferc.gov>) using the FERRIS link. Click on the FERRIS link, enter the docket number excluding the last three digits in the Docket Number field. Be sure you have selected an appropriate date range. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at (866) 208-3676, or for TTY, contact (202) 502-8659. The FERRIS link on the FERC Internet website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

Magalie R. Salas,
Secretary.

[FR Doc. 03-9090 Filed 4-11-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98-1-000]

Regulations Governing Off-the-Record Communications; Public Notice

April 7, 2003.

This constitutes notice, in accordance with 18 CFR 385.2201(h), of the receipt

of exempt and prohibited off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive an exempt or a prohibited off-the-record communication relevant to the merits of a contested on-the-record proceeding, to deliver a copy of the communication, if written, or a summary of the substance of any oral communication, to the Secretary.

Prohibited communications will be included in a public, non-decisional file associated with, but not part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such requests only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication should serve the document on all parties listed on the official service list for the applicable proceeding in accordance with rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications will be included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of prohibited and exempt communications recently received in the Office of the Secretary. The communications listed are grouped by docket numbers. These filings are 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 for TTY, contact (202) 502-8659.

Docket number	Date filed	Presenter or requester
Prohibited:		
CP02-396-000	4-4-03	Retha Warren
2. CP02-396-000	4-4-03	Retha Warren
Exempt:		
1. Project No. 5018-004	4-3-03	Shannon Dunn/Stephen Kulik
2. Project No. 5018-004	4-3-03	Shannon Dunn/Scott Ryan

Magalie R. Salas,
Secretary.
 [FR Doc. 03-9097 Filed 4-11-03; 8:45 am]
BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-7482-9]

Agency Information Collection Activities: Proposed Collection; Comment Request; Drinking Water Regulations Compliance and Cost Retrospective Survey

AGENCY: Environmental Protection Agency.
ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Environmental Protection Agency (EPA) is planning to submit the following proposed Information Collection Request (ICR) to the Office of Management and Budget (OMB): Drinking Water Regulations Compliance and Cost Retrospective Survey (EPA ICR No. 2101.01). Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described as follows.

DATES: Comments must be submitted on or before June 13, 2003.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Send comments to Water Docket, Environmental Protection Agency, Mail Code 4101T, 1200 Pennsylvania Ave., NW., Washington, DC, 20460, Attention Docket ID No. OW-2002-0051. Follow the detailed instructions as provided in section I.C. of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: John Bennett of the EPA Office of Ground Water and Drinking Water at (202) 564-4690, or by facsimile: (202) 564-3760, or e-mail: bennett.johnb@epa.gov. For general information, contact the Safe Drinking Water Hotline, (800) 426-4791. The Safe Drinking Water Hotline is open Monday through Friday, excluding

Federal Holidays, from 9 a.m. to 5:30 p.m.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

You may be potentially affected by this action if you are a public water system. Public water systems are those systems that provide piped water for human consumption to at least 15 service connections or serve an average of at least 25 people for at least 60 days each year. Therefore, respondents will be both traditional water systems as well as water suppliers that do not supply water as their primary business. Potentially affected categories and entities may include, but are not limited to:

Type of business	NAICS code
Investor-Owned Water Systems	22131
Publicly Owned Water Systems	92411

This table lists the types of entities that EPA is now aware of that could potentially be affected. Other types of entities not listed in this table could also be affected. If you have questions regarding the applicability of this action to a particular entity, consult one of the persons listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

B. How Can I Get Copies of the ICR Supporting Statement and Other Related Information?

1. *Docket.* EPA has established an official public docket for this ICR under Docket ID No. OW-2002-0051. The official public docket consists of the documents specifically referenced in the ICR, any public comments received, and other information related to this ICR. 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 Water Docket in the EPA Docket Center, (EPA/DC) EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to

4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Office of Water Docket is (202) 566-2426.

2. *Electronic Access.* You may access this **Federal Register** document electronically through the EPA Internet under the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the appropriate docket identification number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in section I.B.

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

copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the Docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

C. How and to Whom Do I Submit Comments?

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

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

i. EPA Dockets. Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Docket at <http://www.epa.gov/edocket>, and follow the online instructions for submitting comments. Once in the system, select "search," and then key in Docket ID No. OW-2002-0051. The system is an

"anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. E-mail. Comments may be sent by electronic mail (e-mail) to *OW-Docket@epa.gov*, Attention Docket ID No. OW-2002-0051. In contrast to EPA's electronic public docket, EPA's e-mail system is not an "anonymous access" system. If you send an e-mail comment directly to the Docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. Disk or CD ROM. You may submit comments on a disk or CD ROM that you mail to the mailing address identified in section I.C.2. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By Mail.* Send an original and three copies of your comments to: Water Docket, Environmental Protection Agency, Mail Code: 4101T, 1200 Pennsylvania Ave., NW., Washington, DC, 20460, Attention Docket ID No. OW-2002-0051.

3. *By Hand Delivery or Courier.* Deliver your comments to: Water Docket, Environmental Protection Agency, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC, Attention Docket ID No. OW-2002-0051. Such deliveries are only accepted during the Docket's normal hours of operation as identified in Section I.B.1.

D. What Should I Consider as I Prepare My Comments for EPA?

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

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at your estimate.
5. Provide specific examples to illustrate your concerns.
6. Offer alternatives.
7. Make sure to submit your comments by the comment period deadline identified.

8. To ensure proper receipt by EPA, identify the appropriate docket identification number in the subject line on the first page of your response. It would also be helpful if you provided the name, date, and **Federal Register** citation related to your comments.

II. What Information Collection Activity or ICR Does This Action Apply to?

EPA is seeking comments on the following ICR:

Title: Drinking Water Regulations Compliance and Cost Retrospective Survey (EPA ICR No. 2101.01).

Abstract: The Safe Drinking Water Act (SDWA) (1412(b)) requires EPA to analyze the costs related to the promulgation of drinking water regulations. Since the reauthorization of SDWA in 1996, EPA has proposed and promulgated national primary drinking water regulations for several contaminants. Each of these final and proposed rules has a supporting "Economic Analysis," which includes an analysis of compliance costs. The cost analysis includes capital and operations and maintenance (O&M) costs for treatment and other compliance measures taken by systems with Maximum Contaminant Level (MCL) violations or from systems that are subject to treatment technique requirements, as well as costs related to start-up, training and monitoring for all regulated systems.

Key to the accurate estimation of costs is an understanding of the compliance decision process of Public Water Systems (PWS). In this survey, EPA's Office of Ground Water and Drinking Water (OGWDW) plans to collect information from PWSs on their compliance decisions and associated costs for a set of rulemakings. A compliance decision is a decision made in direct response to the implementation of a drinking water regulation to come into compliance with the regulation. Examples of compliance decisions include installing a new treatment technology; modifying an existing treatment technology; using a non-treatment approach; and, finding a new water source. EPA plans to collect information on which compliance alternatives were considered, and which were chosen from that set of alternatives, along with information on associated capital, operating and maintenance, and add-on costs. Responses are voluntary and will not be considered confidential. EPA plans to use the results of the survey to update its cost estimation process for future rulemakings.

The survey will target systems in two categories: systems which have had violations of one or more chosen rulemakings and systems which have not had violations (but have made compliance decisions to prevent a violation). An initial short survey will be used to identify a sample of systems that have made compliance decisions in response to the representative rulemakings without actually having been out of compliance. The full survey (including a pilot study phase) will be sent to these systems, as well as to a sample of systems that have recorded violations. We estimate that the initial survey (known as a screener survey, since it will identify respondents appropriate for the full survey) will provide data from 1,875 respondents indicating whether or not they made some type of compliance decision associated with the representative rulemakings. We estimate that the full survey (including a pilot study phase), sent to systems with and without recorded violations, will provide data from 718 respondents.

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.

The EPA would like to solicit comments to:

(i) 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;

(ii) 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;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, via 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. What Are EPA's Burden and Cost Estimates for This ICR?

The following is a summary of the burden and cost estimates associated with this proposed information collection effort. Burden and cost estimates are taken from the ICR, which provides a detailed explanation of the burden estimates summarized in this

notice. EPA anticipates that the only entities affected by this information request will be public water systems. The total number of estimated potential respondents is 1,875 for the screener survey and 718 for the full survey. Respondents to the screener survey will only have to respond to that survey once. Respondents to the full survey will only have to respond to the full survey once. Some respondents, however, will have to respond to both the screener survey and the full survey. EPA estimates that 1,567 respondents will respond once to the screener survey, 410 respondents will respond once to the full survey, and 308 respondents will respond once to both the screener survey and the full survey.

The annual public burden for this collection of information is estimated to average 0.25 hours per screener survey response; 1 hour per full survey response for small public water systems; 2 hours per full survey response for medium public water systems; and 3 hours per full survey response for large public water systems. The estimated total annual respondent burden for screener survey respondents is 469 hours with a current annual cost of \$10,742; the estimated total annual respondent burden for full survey respondents is 1,304 hours with a current annual cost of \$34,204. Total estimated annual respondent burden associated with the complete information collection effort is 1,773 hours with a current annual cost of \$44,946.

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.

Dated: March 21, 2003.

Cynthia C. Dougherty,

Director, Office of Ground Water and Drinking Water.

[FR Doc. 03-9046 Filed 4-11-03; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL -7482-8]

Science Advisory Board, Clean Air Scientific Advisory Committee, Notification of Public Advisory Committee Meeting; Teleconference Consultation on Risk Analysis Plans for Coarse Particulate Matter (PM_{10-2.5}) and PM₁₀

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA), Science Advisory Board (SAB), announces the conduct of a publically-accessible teleconference of the Clean Air Scientific Advisory Committee (CASAC) Particulate Matter (PM) Review Panel to review the Agency's risk analysis plans for coarse-fraction PM_{10-2.5} and PM₁₀.

DATES: The conference call meeting will take place on Thursday, May 1, 2003, from 10 a.m. to 12 p.m. eastern time. Participation will be by teleconference only.

ADDRESSES: Members of the public who wish to obtain the call-in number and access code to participate must contact Ms. Delores Darden, EPA Science Advisory Board Staff, at telephone/voice mail: (202) 564-2282, via e-mail at: darden.delores@epa.gov; or at mailing address: EPA Science Advisory Board, U.S. Environmental Protection Agency (1400A), 1200 Pennsylvania Avenue, NW., Washington, DC, 20460 (FedEx/Courier Zip Code: 20004), in order to register.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information about this conference call should contact Mr. Fred Butterfield, Designated Federal Officer (DFO), EPA Science Advisory Board Staff; at telephone/voice mail: (202) 564-4561; or via e-mail at: butterfield.fred@epa.gov. General information concerning the CASAC or the EPA Science Advisory Board can be found on the EPA Web site at: <http://www.epa.gov/sab>.

SUPPLEMENTARY INFORMATION:

1. *Summary.* The Clean Air Scientific Advisory Committee was established by 42 U.S.C. 7409 in part to provide advice, information and recommendations on the scientific and technical aspects of issues related to the criteria for national ambient air quality standards (NAAQS). The CASAC Particulate Matter Review Panel will report to the Administrator of EPA through the CASAC, which is

administratively located under the EPA Science Advisory Board. The SAB was established by 42 U.S.C. 4365 to provide independent scientific and technical advice, consultation, and recommendations to the EPA Administrator on the technical basis for Agency positions and regulations. Both the CASAC and the SAB are Federal advisory committees chartered under the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. App.). The CASAC Particulate Matter Review Panel will comply with the provisions of FACA and all appropriate SAB procedural policies.

On April 9, 2003, EPA's Office of Air Quality Planning and Standards (OAQPS) will make available for public review and comment a draft memorandum, "Preliminary Recommended Methodology for PM₁₀ and PM_{10-2.5} Risk Analyses in Light of Reanalyzed Study Results" (hereafter, draft Risk Analysis Methodology for PM₁₀ and PM_{10-2.5}). This document outlines the overall scope proposed for the quantitative risk assessments for PM₁₀ and coarse-fraction PM (PM_{10-2.5}) that will be conducted as part of the periodic review of the NAAQS for PM, pursuant to sections 108 and 109 of the Clean Air Act (CAA).

2. Background. On January 28, 2002 (67 FR 3897), OAQPS made available for public and CASAC review a draft document, "Proposed Methodology for Particulate Matter Risk Analyses for Selected Urban Areas" (hereafter, draft PM Risk Analysis Methodology), that describes EPA's plans and approach for conducting PM health risk analyses primarily for fine particles (PM_{2.5}). The PM risk analyses will be performed to assist in the preparation of the OAQPS PM Staff Paper, the purpose of which is to evaluate the policy implications of the key scientific and technical information contained in the Agency's PM Air Quality Criteria Document (AQCD) and identify critical elements that EPA staff believe should be considered in reviewing the PM NAAQS. The Staff Paper is intended to "bridge the gap" between the scientific review contained in the AQCD and the public health and welfare policy judgments required of the Administrator in reviewing the NAAQS. On February 27, 2002, the CASAC PM Review Panel met via public teleconference to provide advice to EPA on the proposed methodology; and, on May 23, 2002, the CASAC issued an Advisory providing its advice to the EPA Administrator entitled, "Review of the Agency's Draft Proposed Methodology for Particulate Matter Risk Analysis for Selected Urban Areas; an Advisory by the Clean Air

Scientific Advisory Committee (EPA-SAB-CASAC-ADV-02-002), located on the EPA Science Advisory Board Web site at: <http://www.epa.gov/sab/pdf/casacadv02002.pdf>.

In response to the advice provided in the May 2002 CASAC Advisory, OAQPS has proposed to expand the scope of the PM health risk analyses to include risk analyses for PM₁₀. The charge to the CASAC PM Panel during their consultation on May 1, 2003, is to provide feedback on the scope and approach proposed by EPA for the PM₁₀ and PM_{10-2.5} components of the risk analyses. EPA is making available the draft Risk Analysis Methodology for PM₁₀ and PM_{10-2.5} to facilitate discussion and review of the proposed approach by the CASAC and general public. This draft document takes into consideration the availability of reanalyses using alternative statistical approaches for some PM health effect studies identified by EPA as being of high priority for policy considerations (see the following URL: <http://www.epa.gov/ncea/partmatt.htm>, for more information). This document outlines the overall scope proposed for the quantitative risk assessments for PM₁₀ and PM_{10-2.5} including health endpoints to be analyzed, health studies that serve as the source of concentration-response functions, and cities to be examined.

Following the May 1, 2003, CASAC Particulate Matter Review Panel teleconference to review the draft Risk Analysis Methodology for PM₁₀ and PM_{10-2.5}, EPA will prepare a technical report describing the risk analysis methodology in greater detail and including preliminary risk estimates taking into account public and CASAC comments. The methodology and preliminary estimates will be summarized in the next draft of the OAQPS PM Staff Paper, which will be released for public and CASAC review later this year.

Any questions concerning the draft Risk Analysis Methodology for PM₁₀ and PM_{10-2.5} should be directed to Mr. Harvey Richmond, OAQPS's Health and Ecosystems Effects Group, at telephone/voice mail: (919) 541-5271; or via e-mail at: richmond.harvey@epa.gov.

3. Availability of Additional Meeting Materials. A copy of the draft memorandum, "Preliminary Recommended Methodology for PM₁₀ and PM_{10-2.5} Risk Analyses in Light of Reanalyzed Study Results" will be available through EPA's Technology Transfer Network (TTN) Web site under the technical area for National Ambient Air Quality Standards, under the heading of "Particulate Matter—

Technical Documents" at the following URL address: http://www.epa.gov/ttn/naaqs/standards/pm/s_pm_cr_td.html after April 9, 2003. In addition, the draft agenda for the teleconference that is the subject of this notice will be posted on the EPA Science Advisory Board Web Site at: <http://www.epa.gov/sab> (under the "Agendas" subheading) approximately 10 days before the publically-accessible teleconference.

4. Providing Oral or Written Comments at SAB Meetings. It is the policy of the EPA Science Advisory Board (SAB) to accept written public comments of any length, and to accommodate oral public comments whenever possible. The EPA SAB expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements. **Oral Comments:** In general, each individual or group requesting an oral presentation at a face-to-face meeting will be limited to a total time of 10 minutes (unless otherwise indicated). For conference call meetings, opportunities for oral comment will usually be limited to no more than three minutes per speaker and no more than 15 minutes total. Interested parties should contact the CASAC DFO, Mr. Fred Butterfield, at the telephone number or e-mail address provided above, at least one week prior to the meeting in order to be placed on the public speaker list for the meeting. Speakers may attend the meeting and provide comment up to the meeting time. Speakers should bring at least 35 copies of their comments and presentation slides for distribution to the reviewers and public at the meeting. **Written Comments:** Although the SAB accepts written comments until the date of the meeting (unless otherwise stated), written comments should be received in the SAB Staff Office at least one week prior to the meeting date so that the comments may be made available to the review panel for their consideration. Written comments should be supplied to Ms. Delores Darden, EPA Science Advisory Board Staff, at the e-mail address or mailing address provided above, or via fax at: (202) 501-0582, in the following formats: one hard copy with original signature, and one electronic copy via e-mail (acceptable file format: Adobe Acrobat, WordPerfect, Word, or Rich Text files (in IBM-PC/Windows 95/98 format). Those providing written comments and who attend the meeting are also asked to bring 35 copies of their comments for public distribution. Any written comments supplied at the meeting should be provided to the DFO up to or

immediately following the meeting. The SAB allows a grace period of 48 hours after adjournment of the public meeting to provide written comments supporting any verbal comments stated at the public meeting to be made a part of the public record.

5. *Meeting Access.* Individuals requiring special accommodation to access this teleconference should contact Ms. Delores Darden, EPA Science Advisory Board Staff, at the telephone or e-mail address provided above, at least five business days prior to the meeting so that appropriate arrangements can be made.

Dated: April 7, 2003.

Vanessa T. Vu,

Director, EPA Science Advisory Board Staff Office.

[FR Doc. 03-9040 Filed 4-11-03; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-7483-1]

Notice of Extension of Public Comment Period on the Draft Final Guidelines for Carcinogen Risk Assessment and the Draft Supplemental Guidance for Assessing Cancer Susceptibility From Early-Life Exposure to Carcinogens

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of extension of public comment period.

SUMMARY: This notice extends the comment period for the Draft Final Guidelines for Carcinogen Risk Assessment and the draft Supplemental Guidance for Assessing Cancer Susceptibility from Early-Life Exposure to Carcinogens. The availability of these documents was originally announced in the **Federal Register** on March 3, 2003 (68 FR 10012).

DATES: Comments must be received by Monday, June 2, 2003.

ADDRESSES: The documents are available via the Internet from www.epa.gov/ncea/raf/cancer2003.htm. Instructions for submitting comments are provided at this website and in the March 3, 2003 **Federal Register** notice.

FOR FURTHER INFORMATION CONTACT: Dr. William P. Wood, Risk Assessment Forum (mail code 8601D), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460, telephone 202-564-3361, or send electronic mail inquiries to risk.forum@epa.gov.

SUPPLEMENTARY INFORMATION: In the March 3, 2003 **Federal Register** (68 FR 10012), EPA announced the availability of, and opportunity to comment on, the Draft Final Guidelines for Carcinogen Risk Assessment (February 2003, NCEA-F-0644A) and the draft Supplemental Guidance for Assessing Cancer Susceptibility from Early-Life Exposure to Carcinogens (EPA/630/R-03/003). The comment period was scheduled to close on May 1, 2003. This notice extends the comment period until June 2, 2003. EPA will consider all comments received by this date in completing final Guidelines and supplemental guidance.

As announced in the **Federal Register** on April 11, 2003, a panel of EPA's Science Advisory Board (SAB) will meet to review the draft Supplemental Guidance on May 12 to 14, 2003. EPA will provide all public comments on the draft Supplemental Guidance that EPA has received by May 1, 2003 to the SAB review panel prior to its meeting. Comments received by EPA by June 2, 2003 but after May 1, 2003 will also be forwarded to the SAB for consideration by the review panel in completing its report. Comments may also be submitted directly to the SAB in the manner described in the **Federal Register** notice announcing the SAB meeting. It is the policy of the SAB to accept written comments and accommodate oral public comments wherever possible at its public meetings.

Dated: April 8, 2003.

Paul Gilman,

Assistant Administrator for Research and Development.

[FR Doc. 03-9048 Filed 4-11-03; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

April 4, 2003.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a current valid control number. No person shall be subject to any

penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before June 13, 2003. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, Room 1-A804, 445 12th Street, SW., Washington, DC 20554, or via the Internet to Leslie.Smith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s) contact Les Smith at 202-418-0217 or via the Internet at Leslie.Smith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060-0208.

Title: Section 73.1870, Chief

Operators.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business and other for-profit entities; Not-for-profit institutions.

Number of Respondents: 14,500.

Estimated Time per Response: 26 hours.

Frequency of Response:

Recordkeeping; Third party disclosure.

Total Annual Burden: 379,407.

Total Annual Costs: \$0.00.

Needs and Uses: 47 CFR 73.1870

requires that the licensee of an AM, FM, or TV broadcast station designate a chief operator of the station. Section 73.1870(b)(3) requires that this designation must be in writing and posted with the station license. Section 73.1230 requires that all licensees post station licenses "at the place the licensee considers the principal control point of the transmitter" generally at the transmitter site. Agreements with chief operators serving on a contract basis must be in writing with a copy kept in

the station files. Section 73.1870(c)(3) requires that the chief operator, or personnel delegated and supervised by the chief operator, review the station records at least once each week to determine if required entries are being made correctly, and verify that the station has been operated in accordance with FCC rules and the station authorization. Upon completion of the review, the chief operator must date and sign the log, initiate corrective action, which may be necessary, and advise the station licensee of any condition, which is repetitive. The posting of the designation of the chief operator is used by interested parties to readily identify the chief operator. The review of the station records is used by the chief operator, and FCC staff in investigations, to assure that the station is operating in accordance with its station authorization and the FCC rules and regulations.

Federal Communications Commission.

William F. Caton,
Deputy Secretary.

[FR Doc. 03-8969 Filed 4-11-03; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL HOUSING FINANCE BOARD

[No. 2003-N-4]

Federal Home Loan Bank Members Selected for Community Support Review

AGENCY: Federal Housing Finance Board.

ACTION: Notice.

SUMMARY: The Federal Housing Finance Board (Finance Board) is announcing the Federal Home Loan Bank (Bank) members it has selected for the 2002-03 fifth quarter review cycle under the Finance Board's community support requirements regulation. This notice also prescribes the deadline by which Bank members selected for review must submit Community Support Statements to the Finance Board.

DATES: Bank members selected for the 2002-03 fifth quarter review cycle under the Finance Board's community support requirements regulation must submit completed Community Support Statements to the Finance Board on or before May 26, 2003.

ADDRESSES: Bank members selected for the 2002-03 fifth quarter review cycle under the Finance Board's community support requirements regulation must submit completed Community Support Statements to the Finance Board either by regular mail at the Federal Housing

Finance Board, Office of Supervision, Community Investment and Affordable Housing, 1777 F Street, NW., Washington, DC 20006, or by electronic mail at fitzgerald@fhfb.gov.

FOR FURTHER INFORMATION CONTACT:

Emma J. Fitzgerald, Program Analyst, Office of Supervision, Community Investment and Affordable Housing, by telephone at 202/408-2874, by electronic mail at fitzgerald@fhfb.gov, or by regular mail at the Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

SUPPLEMENTARY INFORMATION:

I. Selection for Community Support Review

Section 10(g)(1) of the Federal Home Loan Bank Act (Bank Act) requires the Finance Board to promulgate regulations establishing standards of community investment or service Bank members must meet in order to maintain access to long-term advances. See 12 U.S.C. 1430(g)(1). The regulations promulgated by the Finance Board must take into account factors such as the Bank member's performance under the Community Reinvestment Act of 1977 (CRA), 12 U.S.C. 2901 *et seq.*, and record of lending to first-time homebuyers. See 12 U.S.C. 1430(g)(2). Pursuant to section 10(g) of the Bank Act, the Finance Board has promulgated a community support requirements regulation that establishes standards a Bank member must meet in order to maintain access to long-term advances, and review criteria the Finance Board must apply in evaluating a member's community support performance. See 12 CFR part 944. The regulation includes standards and criteria for the two statutory factors—CRA performance and record of lending to first-time homebuyers. 12 CFR 944.3. Only members subject to the CRA must meet the CRA standard. 12 CFR 944.3(b). All members, including those not subject to CRA, must meet the first-time homebuyer standard. 12 CFR 944.3(c).

Under the rule, the Finance Board selects approximately one-eighth of the members in each Bank district for community support review each calendar quarter. 12 CFR 944.2(a). The Finance Board will not review an institution's community support performance until it has been a Bank member for at least one year. Selection for review is not, nor should it be construed as, any indication of either the financial condition or the community support performance of the member.

Each Bank member selected for review must complete a Community

Support Statement and submit it to the Finance Board by the May 26, 2003 deadline prescribed in this notice. 12 CFR 944.2(b)(1)(ii) and (c). On or before April 28, 2003, each Bank will notify the members in its district that have been selected for the 2002-03 fifth quarter community support review cycle that they must complete and submit to the Finance Board by the deadline a Community Support Statement. 12 CFR 944.2(b)(2)(i). The member's Bank will provide a blank Community Support Statement Form, which also is available on the Finance Board's web site: <http://www.fhfb.gov>. Upon request, the member's Bank also will provide assistance in completing the Community Support Statement.

The Finance Board has selected the following members for the 2002-03 fifth quarter community support review cycle:

Federal Home Loan Bank of Boston—District 1

People's Bank, Bridgeport, Connecticut
Farmington Savings Bank, Farmington, Connecticut
Savings Bank of Manchester, Manchester, Connecticut
Liberty Bank, Middletown, Connecticut
Naugatuck Savings Bank, Naugatuck, Connecticut
The Citizens National Bank, Putnam, Connecticut
Simsbury Bank and Trust Company, Simsbury, Connecticut
Windsor Federal Savings & Loan, Windsor, Connecticut
Windsor Locks Community Bank, FSL, Windsor Locks, Connecticut
United Kingfield Bank, Bangor, Maine
Ocean Communities Federal Credit Union, Biddeford, Maine
St. Joseph's Credit Union, Biddeford, Maine
The First National Bank of Damariscotta, Damariscotta, Maine
Gardiner Savings Institution FSB, Gardiner, Maine
Machias Savings Bank, Machias, Maine
Katahdin Federal Credit Union, Millinocket, Maine
St. Croix Federal Credit Union, Woodland, Maine
Tremont Credit Union, Boston, Massachusetts
University Credit Union, Boston, Massachusetts
Brockton Credit Union, Brockton, Massachusetts
Broadway National Bank, Chelsea, Massachusetts
Dedham Co-operative Bank, Dedham, Massachusetts
Everett Credit Union, Everett, Massachusetts
Worker's Credit Union, Fitchburg, Massachusetts

- Framingham Co-operative Bank, Framingham, Massachusetts
 The Benjamin Franklin Savings Bank, Franklin, Massachusetts
 Dean Cooperative Bank, Franklin, Massachusetts
 Greenfield Savings Bank, Greenfield, Massachusetts
 UMassFive College Federal Credit Union, Hadley, Massachusetts
 Hanscom Federal Credit Union, Hanscom AFB, Massachusetts
 Economy Co-operative Bank, Merrimac, Massachusetts
 Mayflower Cooperative Bank, Middleborough, Massachusetts
 Millbury Federal Credit Union, Millbury, Massachusetts
 Compass Bank for Savings, New Bedford, Massachusetts
 First Citizens' Federal Credit Union, New Bedford, Massachusetts
 North Shore Bank, A Co-Operative Bank, Peabody, Massachusetts
 Berkshire Bank, Pittsfield, Massachusetts
 The Pittsfield Cooperative Bank, Pittsfield, Massachusetts
 Sharon Co-operative Bank, Sharon, Massachusetts
 Slade's Ferry Trust Company, Somerset, Massachusetts
 Central Cooperative Bank, Somerville, Massachusetts
 Savers Co-operative Bank, Southbridge, Massachusetts
 Southbridge Savings Bank, Southbridge, Massachusetts
 Stoneham Co-operative Bank, Stoneham, Massachusetts
 The Martha's Vineyard Co-operative Bank, Vineyard Haven, Massachusetts
 Ware Co-operative Bank, Ware, Massachusetts
 United Cooperative Bank, West Springfield, Massachusetts
 Westfield Savings Bank, Westfield, Massachusetts
 Winthrop Federal Credit Union, Winthrop, Massachusetts
 Flagship Bank and Trust Company, Worcester, Massachusetts
 Connecticut River Bank N.A., Charleston, New Hampshire
 Claremont Savings, Claremont, New Hampshire
 Triangle Credit Union, Nashua, New Hampshire
 Sugar River Savings Bank, Newport, New Hampshire
 Lake Sunapee Bank, Newport, New Hampshire
 Piscataqua Savings Bank, Portsmouth, New Hampshire
 Service Credit Union, Portsmouth, New Hampshire
 The Washington Trust Company, Westerly, Rhode Island
 The Bank of Bennington, Bennington, Vermont
- Factory Point National Bank, Manchester Center, Vermont
 Heritage Family Credit Union, Rutland, Vermont
 Passumpsic Savings Bank, St. Johnsbury, Vermont
- Federal Home Loan Bank of New York—District 2**
- Ocwen Federal Bank FSB, West Palm Beach, Florida
 American Savings Bank of NJ, Bloomfield, New Jersey
 Clifton Savings Bank, S.L.A., Clifton, New Jersey
 Sussex Bank, Franklin, New Jersey
 First Hope Bank, a national banking association, Hope, New Jersey
 Magyar Savings Bank, New Brunswick, New Jersey
 Lusitania Savings Bank, fsb, Newark, New Jersey
 Roebbling Bank, Roebbling, New Jersey
 Penn Federal Savings Bank, West Orange, New Jersey
 Monroe Savings Bank, S.L.A., Williamstown, New Jersey
 Franklin Savings Bank, Woodstown, New Jersey
 BSB Bank & Trust Company, Binghamton, New York
 Ponce De Leon Federal Bank, Bronx, New York
 Atlantic Liberty Savings, Brooklyn, New York
 Community Capital Bank, Brooklyn, New York
 The Bank of Castile, Castile, New York
 Fulton Savings Bank, Fulton, New York
 Astoria Federal Savings & Loan Association, Lake Success, New York
 Pittsford Federal Credit Union, Mendon, New York
 First Federal Savings of Middletown, Middletown, New York
 Amalgamated Bank, New York, New York
 United Orient Bank, New York, New York
 Northfield Savings Bank, Staten Island, New York
 Empire Federal Credit Union, Syracuse, New York
 Wallkill Valley FS&LA, Wallkill, New York
 The Bank & Trust of Puerto Rico, San Juan, Puerto Rico
- Federal Home Loan Bank of Pittsburgh—District 3**
- Citicorp Trust Bank, FSB, Newark, Delaware
 Wilmington Savings Fund Society, FSB, Wilmington, Delaware
 C & G Savings Bank, Altoona, Pennsylvania
 Ambler Savings & Loan Association, Ambler, Pennsylvania
 First Star Savings Bank, Bethlehem, Pennsylvania
- First FS&LA of Bucks County, Bristol, Pennsylvania
 Alliance Bank, Broomall, Pennsylvania
 Sharon Savings Bank, Darby, Pennsylvania
 ESB Bank, Ellwood City, Pennsylvania
 County Savings Association, Essington, Pennsylvania
 Stonebridge Bank, Exton, Pennsylvania
 Bank of Hanover and Trust Company, Hanover, Pennsylvania
 Fox Chase Bank, Hatboro, Pennsylvania
 Hatboro Federal Savings, Hatboro, Pennsylvania
 First Federal Bank, Hazleton, Pennsylvania
 William Penn Savings and Loan Association, Levittown, Pennsylvania
 Willow Grove Bank, Maple Glen, Pennsylvania
 First Keystone Federal Savings Bank, Media, Pennsylvania
 Morton Savings Bank, Morton, Pennsylvania
 Nesquehoning Savings Bank, Nesquehoning, Pennsylvania
 Third Federal Bank, Newtown, Pennsylvania
 Malvern Federal Savings Bank, Paoli, Pennsylvania
 First Savings Bank of Perkasio, Perkasio, Pennsylvania
 Asian Bank, Philadelphia, Pennsylvania
 Pennsylvania Business Bank, Philadelphia, Pennsylvania
 Second FS&LA of Philadelphia, Philadelphia, Pennsylvania
 Washington Savings Association, Philadelphia, Pennsylvania
 Bell FS&LA of Bellevue, Pittsburgh, Pennsylvania
 Great American Federal, Pittsburgh, Pennsylvania
 National City Bank of Pennsylvania, Pittsburgh, Pennsylvania
 Progressive Home FS&LA, Pittsburgh, Pennsylvania
 Patriot Bank, Pottstown, Pennsylvania
 The Quakertown National Bank, Quakertown, Pennsylvania
 Mercer County State Bank, Sandy Lake, Pennsylvania
 North Penn Savings & Loan Association, Scranton, Pennsylvania
 Penn Security Bank, & Trust Company, Scranton, Pennsylvania
 Slovenian S&LA of Canonsburg, Strabane, Pennsylvania
 First National Bank of West Chester, West Chester, Pennsylvania
 First Heritage Bank, Wilkes-Barre, Pennsylvania
 WNB Bank, Williamsport, Pennsylvania
 First Century Bank, Bluefield, West Virginia
 Pioneer Community Bank, Iaeger, West Virginia
 Bank of Mount Hope, Inc., Mount Hope, West Virginia

Community Bank of Parkersburg, Parkersburg, West Virginia
 First National Bank, Spencer, West Virginia
 Pleasants County Bank, St. Marys, West Virginia
 Poca Valley Bank, Walton, West Virginia

Federal Home Loan Bank of Atlanta—District 4

Covington County Bank, Andalusia, Alabama
 United Bank, Atmore, Alabama
 AmSouth Bank, Birmingham, Alabama
 Bank of Alabama, Birmingham, Alabama
 New South Federal Savings Bank, Birmingham, Alabama
 Community Bank, Blountsville, Alabama
 BankTrust, Brewton, Alabama
 Cullman Savings Bank, Cullman, Alabama
 Peoples Bank of North Alabama, Cullman, Alabama
 First American Bank, Decatur, Alabama
 The Citizens Bank, Enterprise, Alabama
 Commerce South Bank, Eufala, Alabama
 EvaBank, Eva, Alabama
 First Gulf Bank, Gulf Shores, Alabama
 Merchants Bank, Jackson, Alabama
 Farmers & Merchants Bank, Lafayette, Alabama
 Southwest Bank of Alabama, Inc., McIntosh, Alabama
 Bank Trust, Mobile, Alabama
 Community Spirit Bank, Red Bay, Alabama
 Valley State Bank, Russellville, Alabama
 The Peoples Bank and Trust Company, Selma, Alabama
 Sweet Water State Bank, Sweet Water, Alabama
 First Federal of the South, Sylacauga, Alabama
 First Citizens Bank, Talladega, Alabama
 The First National Bank of Talladega, Talladega, Alabama
 First United Security Bank, Thomasville, Alabama
 City First Bank of D.C., N.A., Washington, D. C.
 Citrus and Chemical Bank, Bartow, Florida
 Mackinac Savings Bank, FSB, Boynton Beach, Florida
 First FSB of the Glades, Clewiston, Florida
 First Bank of Clewiston, Clewiston, Florida
 First National Bank of Crestview, Crestview, Florida
 Regent Bank, Davie, Florida
 Dunnellon State Bank, Dunnellon, Florida
 Landmark Bank, N.A., Ft. Lauderdale, Florida
 Premier Community Bank of South Florida, Ft. Lauderdale, Florida

Old Florida Bank, Fort Myers, Florida
 First City Bank of Florida, Fort Walton Beach, Florida
 Desjardins Federal Savings Bank, Hallandale, Florida
 First National Bank of South Florida, Homestead, Florida
 Florida Community Bank, Immokalee, Florida
 The Bank of Inverness, Inverness, Florida
 Educational Community Credit Union, Jacksonville, Florida
 First Guaranty Bank and Trust Company, Jacksonville, Florida
 Monticello Bank, Jacksonville, Florida
 Publix Employees FCU, Lakeland, Florida
 First FSB of Lake County, Leesburg, Florida
 First Federal Savings Bank, Live Oak, Florida
 Commercial Bank of Florida, Miami, Florida
 Eastern National Bank, Miami, Florida
 Helm Bank, Miami, Florida
 Tropical Financial Credit Union, Miami, Florida
 Pelican National Bank, Naples, Florida
 American National Bank, Oakland Park, Florida
 CNL Bank, Orlando, Florida
 First Community Bank of Palm Beach County, Pahokee, Florida
 Peoples First Community Bank, Panama City, Florida
 Century Bank, a Federal Savings Bank, Sarasota, Florida
 Highlands Independent Bank, Sebring, Florida
 Eastern Financial Florida Credit Union, South Florida, Florida
 Raymond James Bank, FSB, St. Petersburg, Florida
 United Southern Bank, Umatilla, Florida
 Marine Bank and Trust, Vero Beach, Florida
 Sterling Bank, F.S.B., West Palm Beach, Florida
 Montgomery County Bank, Ailey, Georgia
 Chattahoochee National Bank, Alpharetta, Georgia
 First Colony Bank, Alpharetta, Georgia
 Citizens Trust Bank, Atlanta, Georgia
 First Bank of Georgia, Augusta, Georgia
 United Community Bank, Blairsville, Georgia
 First National Bank of Georgia, Buchanan, Georgia
 Bank of Chickamauga, Chickamauga, Georgia
 Peoples Community Bank of Colquitt, Colquitt, Georgia
 Peoples Community Bank, Colquitt, Georgia
 First Bank of Dalton, Dalton, Georgia
 Bank of Dudley, Dudley, Georgia

The Peoples Bank, Eatonton, Georgia
 Pinnacle Bank, N.A., Elberton, Georgia
 Gainesville Bank and Trust, Gainesville, Georgia
 First Citizens Bank, Glennville, Georgia
 South Georgia Bank, Glennville, Georgia
 SunMark Community Bank, Hawkinsville, Georgia
 Community Trust Bank, Hiram, Georgia
 Northeast Georgia Bank, Lavonia, Georgia
 Peoples Bank, Lithonia, Georgia
 The Community Bank, Loganville, Georgia
 Rivoli Bank & Trust, Macon, Georgia
 First Security National Bank, Norcross, Georgia
 Family Bank, Pelham, Georgia
 The Citizens National Bank of Quitman, Quitman, Georgia
 Wilcox County State Bank, Rochelle, Georgia
 Citizens First Bank, Rome, Georgia
 Farmers and Merchants Community Bank, Senoia, Georgia
 Quantum National Bank, Suwanee, Georgia
 Bank of Thomas County, Thomasville, Georgia
 Citizens Bank & Trust, Trenton, Georgia
 Farmers and Merchants Bank, Washington, Georgia
 First Piedmont Bank, Winder, Georgia
 Bay-Vanguard Federal Savings Bank, Baltimore, Maryland
 Hull Federal Savings Bank, Baltimore, Maryland
 Ideal Federal Savings Bank, Baltimore, Maryland
 State Employees Credit Union, Baltimore, Maryland
 Susquehanna Bank, Baltimore, Maryland
 Vigilant Federal Savings Bank, Baltimore, Maryland
 F&M Bank—Allegiance, Bethesda, Maryland
 TMB Federal Credit Union, Cabin John, Maryland
 Cecil Federal Bank, Elkton, Maryland
 The Back and Middle River FS&L, Essex, Maryland
 County National Bank, Glen Burnie, Maryland
 North Arundel FSB, FSB, Pasadena, Maryland
 Provident State Bank of Preston, Preston, Maryland
 IR Federal Credit Union, Riverdale, Maryland
 Randolph Bank & Trust Company, Asheboro, North Carolina
 First Commerce Bank, Charlotte, North Carolina
 First Union Direct Bank, N.A., Charlotte, North Carolina
 Rowan Savings Bank, SSB, China Grove, North Carolina
 Mechanics and Farmers Bank, Durham, North Carolina

- Gateway Bank & Trust Company,
Elizabeth City, North Carolina
- Macon Bank, Franklin, North Carolina
- First Gaston Bank of North Carolina,
Gastonia, North Carolina
- Carolina Bank, Greensboro, North
Carolina
- MountainBank, Hendersonville, North
Carolina
- Hertford Savings Bank, SSB, Hertford,
North Carolina
- The Little Bank, Kinston, North Carolina
- Industrial Federal Savings Bank,
Lexington, North Carolina
- Lexington State Bank, Lexington, North
Carolina
- Liberty Savings and Loan Association,
Liberty, North Carolina
- First Savings and Loan Association,
Mebane, North Carolina
- American Community Bank, Monroe,
North Carolina
- Mount Gilead S&LA, Mount Gilead,
North Carolina
- State Employees' Credit Union, Raleigh,
North Carolina
- Taylorsville Savings Bank, SSB,
Taylorsville, North Carolina
- Anson Bank & Trust Company,
Wadesboro, North Carolina
- Waccamaw Bank, Whiteville, North
Carolina
- Cooperative Bank for Svgs, Inc., SSB,
Wilmington, North Carolina
- Loyal American Life Insurance
Company, Cincinnati, Ohio
- People's Community Bank of S.C.,
Aiken, South Carolina
- Home Federal Savings and Loan Assn,
Bamberg, South Carolina
- Florence National Bank, Florence, South
Carolina
- GrandSouth Bank, Fountain Inn, South
Carolina
- Bank of Greeleyville, Greeleyville,
South Carolina
- County Bank, Greenwood, South
Carolina
- Greer State Bank, Greer, South Carolina
- First National Bank of South Carolina,
Holly Hill, South Carolina
- Kingstree FS&LA, Kingstree, South
Carolina
- The Bank of Clarendon, Manning, South
Carolina
- Southcoast Community Bank, Mt.
Pleasant, South Carolina
- Anderson Brothers Bank, Mullins,
South Carolina
- Pickens Savings & Loan Association,
Pickens, South Carolina
- Bank of Travelers Rest, Travelers Rest,
South Carolina
- Napus Federal Credit Union,
Alexandria, Virginia
- The Blue Grass Valley Bank, Blue Grass,
Virginia
- The Bank of Southside Virginia, Carson,
Virginia
- Second Bank & Trust, Culpeper,
Virginia
- Apple Federal Credit Union, Fairfax,
Virginia
- Chesapeake Bank, Kilmarnock, Virginia
- Imperial Savings and Loan Association,
Martinsville, Virginia
- Navy Federal Credit Union, Merrifield,
Virginia
- Bank of the Commonwealth, Norfolk,
Virginia
- Lee Bank and Trust Company,
Pennington Gap, Virginia
- First , Virginia Bank—Colonial,
Richmond, Virginia
- The Marathon Bank, Winchester,
Virginia
- Federal Home Loan Bank of
Cincinnati—District 5**
- Farmers Bank & Trust Company,
Bardstown, Kentucky
- Wilson & Muir Bank and Trust
Company, Bardstown, Kentucky
- Bank of Cadiz and Trust Company,
Cadiz, Kentucky
- Bank of Columbia, Columbia, Kentucky
- First Federal Savings Bank, Cynthiana,
Kentucky
- The Harrison Deposit Bank and Trust
Company, Cynthiana, Kentucky
- Kentucky National Bank, Elizabethtown,
Kentucky
- Farmers Bank, Hardinsburg, Kentucky
- Hancock Bank and Trust Company,
Hawesville, Kentucky
- Peoples Bank & Trust Company of
Hazard, Hazard, Kentucky
- Heritage Bank, Hopkinsville, Kentucky
- Planters Bank, Inc., Hopkinsville,
Kentucky
- Bank of Jamestown, Jamestown,
Kentucky
- THE BANK—Oldham County, Inc.,
LaGrange, Kentucky
- Leitchfield Deposit Bank and Trust
Company, Leitchfield, Kentucky
- Central Bank & Trust Company, Inc.,
Lexington, Kentucky
- L&N Federal Credit Union, Louisville,
Kentucky
- River City Bank, Louisville, Kentucky
- Farmers Bank & Trust Company of
Marion, Kentucky, Marion, Kentucky
- Monticello Banking Company,
Monticello, Kentucky
- Pioneer Bank, Munfordville, Kentucky
- South Central Bank of Daviess County,
Inc., Owensboro, Kentucky
- The Salt Lick Deposit Bank,
Owingsville, Kentucky
- Blue Grass Federal Savings and Loan
Association, Paris, Kentucky
- First Commonwealth Bank of
Prestonsburg, Inc., Prestonsburg,
Kentucky
- Fort Knox National Bank, Radcliff,
Kentucky
- Belpre Savings Bank, Belpre, Ohio
- The Farmers Citizens Bank, Bucyrus,
Ohio
- Eagle Savings Bank, Cincinnati, Ohio
- The Mercantile Savings Bank,
Cincinnati, Ohio
- Union Savings Bank, Cincinnati, Ohio
- The Winton Savings and Loan
Company, Cincinnati, Ohio
- Conneaut Savings Bank, Conneaut, Ohio
- The Commercial Bank, Delphos, Ohio
- The Fort Jennings State Bank, Fort
Jennings, Ohio
- The Hamler State Bank, Hamler, Ohio
- Morgan Bank, N.A., Hudson, Ohio
- The Fahey Banking Company of Marion,
Marion, Ohio
- Citizens National Bank of
McConnelsville, McConnelsville,
Ohio
- Great Lakes Bank, Mentor, Ohio
- The American Savings Bank,
Middletown, Ohio
- First National Bank of New Holland,
New Holland, Ohio
- The Farmers State Bank, New
Washington, Ohio
- First National Bank, Orrville, Ohio
- The Republic Banking Company,
Republic, Ohio
- Chippewa Valley Bank, Rittman, Ohio
- Mutual Federal Savings Bank, Sidney,
Ohio
- The Security National Bank and Trust
Company, Springfield, Ohio
- Central Federal Savings and Loan
Association of Wellsville, Wellsville,
Ohio
- The Peoples Savings and Loan
Company, West Liberty, Ohio
- The Union Banking Company, West
Mansfield, Ohio
- Farmers State Bank, West Salem, Ohio
- First Community Bank, Whitehall, Ohio
- The Wilmington Savings Bank,
Wilmington, Ohio
- The Wayne Savings Community Bank,
Wooster, Ohio
- Brighton Bank, Brighton, Tennessee
- Cumberland Bank, Carthage, Tennessee
- Highland Federal Savings and Loan
Association Of Crossville, Crossville,
Tennessee
- Security Federal Bank, Elizabethton,
Tennessee
- The Lauderdale County Bank, Halls,
Tennessee
- Carroll Bank & Trust, Huntingdon,
Tennessee
- First National Bank, Manchester,
Tennessee
- The Coffee County Bank, Manchester,
Tennessee
- The Home Bank of Tennessee,
Maryville, Tennessee
- Memphis Area Teachers' Credit Union,
Memphis, Tennessee
- The Bank of Moscow, Moscow,
Tennessee
- Johnson County Bank, Mountain City,
Tennessee

Bank of Murfreesboro, Murfreesboro,
Tennessee
Home Banking Company, Selmer,
Tennessee

**Federal Home Loan Bank of
Indianapolis—District 6**

Bedford Federal Savings Bank, Bedford,
Indiana
Franklin County National Bank,
Brookville, Indiana
Union Federal Savings & Loan
Association, Crawfordsville, Indiana
Decatur Bank and Trust Company,
Decatur, Indiana
United Fidelity Bank, Evansville,
Indiana
Fowler State Bank, Fowler, Indiana
First Federal Savings Bank, Huntington,
Indiana
Campbell & Fetter Bank, Kendallville,
Indiana
United Community Bank,
Lawrenceburg, Indiana
River Valley Financial Bank, Madison,
Indiana
Fidelity FSB, Marion, Indiana
State Bank of Markle, Markle, Indiana
First State Bank of Middlebury,
Middlebury, Indiana
Citizens Financial Services, FSB,
Munster, Indiana
Regional Federal Savings Bank, New
Albany, Indiana
Community Bank of Southern Indiana,
New Albany, Indiana
Ameriana Bank and Trust, New Castle,
Indiana
AmericanTrust FSB, Peru, Indiana
Mid-Southern Savings Bank, FSB,
Salem, Indiana
Spencer County Bank, Santa Claus,
Indiana
Jackson County Bank, Seymour, Indiana
Shelby County Bank, Shelbyville,
Indiana
Sobieski Bank, South Bend, Indiana
Security Federal Bank, FSB, St. John,
Indiana
Terre Haute Savings Bank, Terre Haute,
Indiana
Frances Slocum Bank, Wabash, Indiana
Homestead Savings Bank, FSB, Albion,
Michigan
Ann Arbor Commerce Bank, Ann Arbor,
Michigan
Charlevoix State Bank, Charlevoix,
Michigan
Dearborn Federal Savings Bank,
Dearborn, Michigan
Financial Health Credit Union, East
Lansing, Michigan
Firstbank-Lakeview, Lakeview,
Michigan
State Employees Credit Union, Lansing,
Michigan
Independent Bank South Michigan,
Leslie, Michigan
State Savings Bank, Manistique,
Michigan

Mason State Bank, Mason, Michigan
Community Federal Credit Union,
Plymouth, Michigan
Team One Credit Union, Saginaw,
Michigan
Sidney State Bank, Sidney, Michigan
Standard Federal Bank National
Association, Troy, Michigan
Flagstar Bank, Troy, Michigan
Research Federal Credit Union, Warren,
Michigan
1st Bank, West Branch, Michigan

**Federal Home Loan Bank of Chicago—
District 7**

Oxford Bank and Trust, Addison,
Illinois
Bank of Bellwood, Bellwood, Illinois
Heartland Bank & Trust Company,
Bloomington, Illinois
Peoples Bank of Kankakee County,
Bourbonnais, Illinois
Bridgeview Bank and Trust, Bridgeview,
Illinois
Southe Pointe Bank, Carbondale, Illinois
United Community Bank, Chatham,
Illinois
Amalgamated Bank of Chicago, Chicago,
Illinois
Austin Bank of Chicago, Chicago,
Illinois
Builders Bank, Chicago, Illinois
Burling Bank, Chicago, Illinois
Community Bank of Lawndale, Chicago,
Illinois
First Savings Bank of Hegewisch,
Chicago, Illinois
Foster Bank, Chicago, Illinois
State Bank of Countryside, Countryside,
Illinois
First Savings Bank, Danville, Illinois
Clover Leaf Bank, Edwardsville, Illinois
Effingham State Bank, Effingham,
Illinois
Illinois Community Bank, Effingham,
Illinois
Washington Savings Bank, Effingham,
Illinois
Elgin Financial Savings Bank, Elgin,
Illinois
First American Bank, Elk Grove Village,
Illinois
Forest Park National Bank & Trust
Company, Forest Park, Illinois
Harris Bank Frankfort, Frankfort, Illinois
Union Savings Bank, Freeport, Illinois
Central Bank Illinois, Geneseo, Illinois
Bank of Gibson City, Gibson City,
Illinois
Northside Community Bank, Gurnee,
Illinois
UnionBank/Northwest, Hanover, Illinois
Parkway Bank & Trust Company,
Harwood Heights, Illinois
North Central Bank, Hennepin, Illinois
State Bank of Herscher, Herscher,
Illinois
First State Bank of Heyworth, Heyworth,
Illinois

The Farmers State Bank and Trust
Company, Jacksonville, Illinois
First FS&LA of Kewanee, Kewanee,
Illinois
Logan County Bank, Lincoln, Illinois
Twin Oaks Savings Bank, Marseilles,
Illinois
Citizens Community Bank, Mascoutah,
Illinois
Okaw Building and Loan, s.b., Mattoon,
Illinois
Middletown State Bank, Middleton,
Illinois
Blackhawk State Bank, Milan, Illinois
Parish Bank and Trust Company,
Momence, Illinois
First State Bank of Monticello,
Monticello, Illinois
BankPlus, Morton, Illinois
George Washington Savings Bank, Oak
Lawn, Illinois
The First National Bank of Ogden,
Ogden, Illinois
The First National Bank of Okawville,
Okawville, Illinois
First National Bank in Olney, Olney,
Illinois
The Edgar County Bank & Trust
Company, Paris, Illinois
First FS&LA of Pekin, Pekin, Illinois
First National Bank in Pinckneyville,
Pinckneyville, Illinois
State Street Bank & Trust Company,
Quincy, Illinois
Mercantile Trust and Savings Bank,
Quincy, Illinois
North County Savings Bank, Red Bud,
Illinois
First Crawford State Bank, Robinson,
Illinois
American Bank and Trust Company,
Rock Island, Illinois
Stillman BancCorp, N.A., Rockford,
Illinois
First Savanna Savings Bank, Savanna,
Illinois
First State Bank of Shannon-Polo,
Shannon, Illinois
Security Bank, sb, Springfield, Illinois
UmbrellaBank, FSB, Summit, Illinois
The National Bank & Trust Company of
Sycamore, Sycamore, Illinois
Alpha Community Bank, Toluca,
Illinois
Villa Park Trust & Savings Bank, Villa
Park, Illinois
Citizens First State Bank, Walnut,
Illinois
The Hill Dodge Banking Company,
Warsaw, Illinois
State Bank of Waterloo, Waterloo,
Illinois
Cardunal Savings Bank, FSB, West
Dundee, Illinois
First American Credit Union, Beloit,
Wisconsin
Jackson County Bank, Black River Falls,
Wisconsin
State Bank of Cross Plains, Cross Plains,
Wisconsin

- State Financial Bank, National Association, Hales Corners, Wisconsin
- AM Community Credit Union, Kenosha, Wisconsin
- Time Federal Savings Bank, Medford, Wisconsin
- M&I Marshall & Ilesley Bank, Milwaukee, Wisconsin
- Marine Bank, Pewaukee, Wisconsin
- Community Bank Spring Green & Plain, Spring Green, Wisconsin
- Tomahawk Community Bank SSB, Tomahawk, Wisconsin
- Federal Home Loan Bank of Des Moines—District 8**
- Peoples Trust & Savings Bank, Adel, Iowa
- Security State Bank, Anamosa, Iowa
- State Savings Bank, Baxter, Iowa
- Farmers Trust and Savings Bank, Buffalo Center, Iowa
- Linn Area Credit Union, Cedar Rapids, Iowa
- United Security Savings Bank, F.S.B., Cedar Rapids, Iowa
- Citizens State Bank, Clarinda, Iowa
- Clear Lake Bank & Trust Company, Clera Lake, Iowa
- Gateway State Bank, Clinton, Iowa
- Cresco Union Savings Bank, Cresco, Iowa
- Denver Savings Bank, Denver, Iowa
- DeWitt Bank & Trust Company, DeWitt, Iowa
- Premier Bank, Dubuque, Iowa
- Liberty Trust and Savings Bank, Durant, Iowa
- Farmers Trust & Savings Bank, Earling, Iowa
- Hardin County Savings Bank, Eldora, Iowa
- Peoples State Bank, Elkader, Iowa
- Bank Plus Estherville, Iowa
- NorthStar Bank, Estherville, Iowa
- Fort Madison Bank & Trust Company, Fort Madison, Iowa
- Security Savings Bank, Gowrie, Iowa
- Midstates Bank, NA, Harlan, Iowa
- Hills Bank and Trust Company, Hills, Iowa
- First State Bank, Huxley, Iowa
- First State Bank, Ida Grove, Iowa
- Peoples Savings Bank, Indianola, Iowa
- Iowa Falls State Bank, Iowa Falls, Iowa
- Kerndt Brothers Savings Bank, Lansing, Iowa
- Libertyville Savings Bank, Libertyville, Iowa
- First State Bank, Lynnville, Iowa
- First National Bank, Manning, Iowa
- Valley Bank & Trust, Mapleton, Iowa
- Maquoketa State Bank, Maquoketa, Iowa
- Maynard Savings Bank, Maynard, Iowa
- Union State Bank, Monona, Iowa
- Citizens State Bank, Monticello, Iowa
- Wayland State Bank, Mount Pleasant, Iowa
- Mount Vernon Bank, and Trust Company, Mount Vernon, Iowa
- Community Bank, Muscatine, Iowa
- Horizon Federal Savings Bank, Oskaloosa, Iowa
- First National Bank Midwest, Oskaloosa, Iowa
- Pella State Bank, Pella, Iowa
- First State Bank, Riceville, Iowa
- Peoples Bank, Rock Valley, Iowa
- Union State Bank, Rockwell City, Iowa
- Rolfe State Bank, Rolfe, Iowa
- Security State Bank, Sheldon, Iowa
- First Community Bank, Sidney, Iowa
- St. Ansgar State Bank, St. Ansgar, Iowa
- Victor State Bank, Victor, Iowa
- Washington State Bank, Washington, Iowa
- Citizens State Bank, Waukon, Iowa
- Iowa State Bank, West Bend, Iowa
- GuideOne Life Insurance Company, West Des Moines, Iowa
- GuideOne Mutual Insurance Company, West Des Moines, Iowa
- GuideOne Specialty Insurance Company, West Des Moines, Iowa
- Wilton Savings Bank, Wilton, Iowa
- Sterling State Bank, Austin, Minnesota
- White Rock Bank, Cannon Falls, Minnesota
- Currie State Bank, Currie, Minnesota
- State Bank of Danvers, Danvers, Minnesota
- State Bank of Delano, Delano, Minnesota
- Voyager Bank, Eden Prairie, Minnesota
- Inter Savings Bank, fsb, Edina, Minnesota
- Stearns Bank Evansville, NA, Evansville, Minnesota
- 1st United Bank, Faribault, Minnesota
- Border State Bank of Greenbush, Greenbush, Minnesota
- Citizens State Bank of Hayfield, Hayfield, Minnesota
- Farmers State Bank of Hoffman, Hoffman, Minnesota
- Fortress Bank National Association, Houston, Minnesota
- Security State Bank of Howard Lake, Howard Lake, Minnesota
- Key Community Bank, Inver Grove Heights, Minnesota
- First Security Bank—Lake Benton, Lake Benton, Minnesota
- Lake City Federal Savings and Loan Association, Lake City, Minnesota
- Lake Area Bank, Lindstrom, Minnesota
- Wells Fargo, MN N.A., Minneapolis, Minnesota
- Bayside Bank, Minnetonka, Minnesota
- First National Bank of Moose Lake, Moose Lake, Minnesota
- United Prairie Bank, Mountain Lake, Minnesota
- American Bank of the North, Nashwauk, Minnesota
- State Bank of New Prague, New Prague, Minnesota
- ProGrowth Bank, Nicollet, Minnesota
- Midwest Bank NA, Parkers Prairie, Minnesota
- First National Bank of Pine City, Pine City, Minnesota
- Premier Bank Rochester, Rochester, Minnesota
- Citizens State Bank of Roseau, Roseau, Minnesota
- Bremer Bank, N.A., St. Cloud, Minnesota
- St. James Federal Savings and Loan Association, St. James, Minnesota
- Liberty State Bank, St. Paul, Minnesota
- Nicollet County Bank of Saint Peter, St. Peter, Minnesota
- Farmers State Bank of Trimont, Trimont, Minnesota
- The First National Bank of Walker, Walker, Minnesota
- Roundbank, Waseca, Minnesota
- Community Bank Winsted, Winsted, Minnesota
- First Independent Bank of Wood Lake, Wood Lake, Minnesota
- Citizens Bank of Amsterdam, Amsterdam, Missouri
- Bank of Jacomo, Blue Springs, Missouri
- Community State Bank of Bowling Green, Bowling Green, Missouri
- Pony Express Bank, Braymer, Missouri
- Mississippi County Savings & Loan Association, Charleston, Missouri
- CSB Bank, Claycomo, Missouri
- Citizens Union State Bank and Trust, Clinton, Missouri
- First National Bank & Trust, Columbia, Missouri
- Meramec Valley Bank, Ellisville, Missouri
- New Era Bank, Fredericktown, Missouri
- Bank Star One, Fulton, Missouri
- America Loan and Savings Association, Hannibal, Missouri
- The Central Trust Bank, Jefferson City, Missouri
- Macon-Atlanta State Bank, Macon, Missouri
- Regional Missouri Bank, Marceline, Missouri
- Nodaway Valley Bank, Maryville, Missouri
- Independent Farmers Bank, Maysville, Missouri
- Heritage State Bank, Nevada, Missouri
- Southwest Community Bank, Ozark, Missouri
- Palmyra State Bank, Palmyra, Missouri
- Farley State Bank, Parkville, Missouri
- Perry State Bank, Perry, Missouri
- Citizens Community Bank, Pilot Grove, Missouri
- Farmers Bank of Portageville, Portageville, Missouri
- Pulaski Bank, Saint Louis, Missouri
- Bank of Salem, Salem, Missouri
- The Merchants & Farmers Bank of Salisbury, Salisbury, Missouri
- Community Bank of Pettis County, Sedalia, Missouri

Empire Bank, Springfield, Missouri
 Liberty Bank, Springfield, Missouri
 Signature Bank, Springfield, Missouri
 Bank Star of the Bootheel, Steele, Missouri
 The Tipton Latham Bank, N.A., Tipton, Missouri
 Bank of Washington, Washington, Missouri
 West Plains Savings and Loan Association, West Plains, Missouri
 First and Farmers Bank, Portland, North Dakota
 First International Bank & Trust, Watford City, North Dakota
 Wells Fargo South Dakota, Sioux Falls, South Dakota

**Federal Home Loan Bank of Dallas—
 District 9**

Southbank, A Federal Savings Bank, Huntsville, Alabama
 Community Bank, Cabot, Arkansas
 Farmers Bank and Trust Company, Clarksville, Arkansas
 First State Bank, Conway, Arkansas
 Bank of Eureka Springs, Eureka Springs, Arkansas
 McIlroy Bank & Trust, Fayetteville, Arkansas
 First National Bank of Fort Smith, Arkansas, Fort Smith, Arkansas
 Peoples Bank of Imboden, Imboden, Arkansas
 Bank of Lake Village, Lake Village, Arkansas
 Bank of the Ozarks, Little Rock, Arkansas
 First State Bank, Lonoke, Arkansas
 Union Bank of Mena, Mena, Arkansas
 First Bank of Montgomery County, Mount Ida, Arkansas
 Newport Federal Savings Bank, Newport, Arkansas
 First State Bank, Parkin, Arkansas
 First Arkansas Valley Bank, Russellville, Arkansas
 Bank of Salem, Salem, Arkansas
 First Security Bank, Searcy, Arkansas
 Simmons First Bank of Searcy, Searcy, Arkansas
 Springdale Bank & Trust, Springdale, Arkansas
 The Bank of Yellville, Yellville, Arkansas
 Fidelity Bank & Trust Company, Baton Rouge, Louisiana
 Globe Homestead FSA, Metairie, Louisiana
 State-Investors Bank, Metairie, Louisiana
 Home Federal Savings and Loan Association, Shreveport, Louisiana
 Citizens Bank and Trust Company of Vivian, LA, Inc., Vivian, Louisiana
 Cleveland Community Bank, s.s.b., Cleveland, Mississippi
 First Federal Bank for Savings, Columbia, Mississippi

Citizens Bank & Trust Company, Louisville, Mississippi
 Quitman Tri-County Federal Credit Union, Marks, Mississippi
 Community First National Bank, Las Cruces, New Mexico
 Pioneer Bank, Roswell, New Mexico
 First National Bank of Santa Fe, Santa Fe, New Mexico
 Liberty Bank, SSB, Austin, Texas
 International Bank of Commerce, Brownsville, Texas
 First American Bank Texas, SSB, Bryan, Texas
 American Bank, NA, Corpus Christi, Texas
 Bluebonnet Savings Bank FSB, Dallas, Texas
 Guaranty Bank, Dallas, Texas
 State Bank and Trust Company, Dallas, Dallas, Texas
 The Bank & Trust, Del Rio, Texas
 Western Bank and Trust, Duncanville, Texas
 Bank of the West, El Paso, Texas
 Government Employees Credit Union, El Paso, Texas
 OmniBank, N.A., Houston, Texas
 Houston Savings Bank, fsb, Houston, Texas
 New Era Life Insurance Company, Houston, Texas
 Southwest Bank of Texas, N.A., Houston, Texas
 The First National Bank of Hughes Springs, Hughes Springs, Texas
 Village Bank and Trust Company, Inc., Lakeway, Texas
 International Bank of Commerce, Laredo, Texas
 First State Bank, Moulton, Texas
 Liberty Bank, North Richland Hills, Texas
 Interstate Bank, ssb, Perryton, Texas
 Cypress Bank, FSB, Pittsburg, Texas
 Community Credit Union, Plano, Texas
 First National Bank in Quanah, Quanah, Texas
 Benchmark Bank, Quinlan, Texas
 Peoples State Bank, Rocksprings, Texas
 Crockett National Bank, San Angelo, Texas
 Texas State Bank, San Angelo, Texas
 Frost National Bank, San Antonio, Texas
 State Bank & Trust of Seguin, Texas, Seguin, Texas
 Cedar Creek Bank, Seven Points, Texas
 Citizens Bank, Slaton, Texas
 Texas National Bank, Tomball, Texas
 First National Bank of Olney, Trinity, Texas
 Southside Bank, Tyler, Texas
 First Victoria National, Victoria, Texas
 TexasBank, Weatherford, Texas
 International Bank of Commerce, Zapata, Texas

**Federal Home Loan Bank of Topeka—
 District 10**

Gateway Credit Union, Aurora, Colorado

FirstBank of Avon, Avon, Colorado
 Canon National Bank, Canon City, Colorado
 Ent Federal Credit Union, Colorado Springs, Colorado
 First State Bank, Colorado Springs, Colorado Springs, Colorado
 Peoples National Bank Colorado, Colorado Springs, Colorado
 Citizens State Bank, Cortez, Colorado
 Guaranty Bank and Trust Company, Denver, Colorado
 The State Bank, Rocky Ford, Colorado
 FirstBank of Vail, Vail, Colorado
 Community State Bank, Coffeyville, Kansas
 Conway Bank, NA, Conway Springs, Kansas
 The City State Bank, Fort Scott, Kansas
 The Liberty Savings Association, FSA, Fort Scott, Kansas
 First FS&LA, Independence, Kansas
 First National Bank, Independence, Kansas
 MidAmerican Bank & Trust Company, na, Leavenworth, Kansas
 Kansas State Bank of Manhattan, Manhattan, Kansas
 Stockgrowers State Bank, Maple Hill, Kansas
 Citizens State Bank of Marysville, Marysville, Kansas
 First Bank of Medicine Lodge, Medicine Lodge, Kansas
 Montezuma State Bank, Montezuma, Kansas
 Kansas State Bank, Overbrook, Kansas
 1st Financial Bank, Overland Park, Kansas
 First National Bank in Pratt, Pratt, Kansas
 Rose Hill Bank, Rose Hill, Kansas
 The Bennington State Bank, Salina, Kansas
 First National Bank of Scott City, Scott City, Kansas
 Security State Bank, Scott City, Kansas
 Centera Bank, Sublette, Kansas
 First Federal Savings & Loan Association of WaKeeney, WaKeeney, Kansas
 First National Bank of Wamego, Wamego, Kansas
 Kaw Valley State Bank, Wamego, Kansas
 Fidelity Bank, Wichita, Kansas
 First National Bank and Trust of Fullerton, Fullerton, Nebraska
 Geneva State Bank, Geneva, Nebraska
 Equitable Federal Savings Bank of Grand Island, Grand Island, Nebraska
 Home FS&LA of Grand Island, Nebraska, Grand Island, Nebraska
 Harvard State Bank, Harvard, Nebraska
 Hershey State Bank, Hershey, Nebraska
 Nebraska National Bank, Kearney, Nebraska
 Platte Valley State Bank and Trust Company, Kearney, Nebraska

Bank of Keystone, Keystone, Nebraska
 Home FS&LA of Nebraska, Lexington, Nebraska
 Lincoln Federal Savings Bank of Nebraska, Lincoln, Nebraska
 Security Federal Savings, Lincoln, Nebraska
 Sherman County Bank, Loup City, Nebraska
 First National Bank Northeast, Lyons, Nebraska
 The Bank of Madison, Madison, Nebraska
 Madison County Bank, Madison, Nebraska
 BankFirst, Norfolk, Nebraska
 First National Bank, North Platte, North Platte, Nebraska
 Nebraskaland National Bank, North Platte, Nebraska
 Pender State Bank, Pender, Nebraska
 Midwest Bank, N.A., Pierce, Nebraska
 The Ravenna Bank, Ravenna, Nebraska
 Sidney Federal Savings & Loan Association, Sidney, Nebraska
 Dakota County State Bank, South Sioux City, Nebraska
 Springfield State Bank, Springfield, Nebraska
 Bank of St. Edward, St. Edward, Nebraska
 Tecumseh Building and Loan Association, Tecumseh, Nebraska
 First National Bank Utica NE, Utica, Nebraska
 Farmers State Bank, Wallace, Nebraska
 Saline State Bank, Wilber, Nebraska
 Citizens National Bank of Wisner, Wisner, Nebraska
 66 Federal Credit Union, Bartlesville, Oklahoma
 Bank of Cordell, Cordell, Oklahoma
 Bank of Hydro, Hydro, Oklahoma
 Armstrong Bank, Muskogee, Oklahoma
 Citizens State Bank, Okemah, Oklahoma
 First Enterprise Bank, Oklahoma City, Oklahoma
 Union Bank, NA, Oklahoma City, Oklahoma
 The First National Bank of Texhoma, Texhoma, Oklahoma
 Community Bank & Trust Company, Tulsa, Oklahoma
 Energy One Federal Credit Union, Tulsa, Oklahoma
 Grand Lake Bank, Tulsa, Oklahoma
 First Bank & Trust Company, Wagoner, Oklahoma
 Weleetka State Bank, Weleetka, Oklahoma
 Canadian State Bank, Yukon, Oklahoma

Federal Home Loan Bank of San Francisco—District 11

BankUSA, fsb, Phoenix, Arizona
 Fremont Investment & Loan, Anaheim, California
 Vista Federal Credit Union, Burbank, California

La Jolla Bank, F.S.B., Escondido, California
 Eastern International Bank, Los Angeles, California
 Chevron Federal Credit Union, Oakland, California
 Wescom Credit Union, Pasadena, California
 Summit State Bank, Rohnert Park, California
 California Bank and Trust, San Diego, California
 San Diego County Credit Union, San Diego, California
 United Commercial Bank, San Francisco, California
 Patelco Credit Union, San Francisco, California
 Luther Burbank Savings, Santa Rosa, California
 Community Banks of Tracy, Tracy, California
 Yolo Community Bank, Woodland, California
 Redding Bank of Commerce, Yuba City, California

Federal Home Loan Bank of Seattle—District 12

Wells Fargo, Anchorage, Alaska
 First Bank, Ketchikan, Alaska
 Central Pacific Bank, Honolulu, Hawaii
 Territorial Savings and Loan Assn, Honolulu, Hawaii
 Farmers and Merchants State Bank, Boise, Idaho
 Home FS&LA of Nampa, Nampa, Idaho
 Valley Bank of Helena, Helena, Montana
 American Bank of Montana, Livingston, Montana
 LibertyBank, Eugene, Oregon
 NW Community Credit Union, Eugene, Oregon
 Chetco Federal Credit Union, Harbor, Oregon
 West Coast Bank, Lake Oswego, Oregon
 Premier West Bank, Medford, Oregon
 McKay Dee Hospital Credit Union, Ogden, Utah
 Centennial Bank, Ogden, Utah
 American Investment Bank, Salt Lake City, Utah
 Mountain America Credit Union, Salt Lake City, Utah
 Zions First National Bank, Salt Lake City, Utah
 Kitsap Community FCU, Bremerton, Washington
 State Bank of Concrete, Concrete, Washington
 Washington State Bank NA, Federal Way, Washington
 Issaquah Bank, Issaquah, Washington
 First Community Bank of Washington, Lacey, Washington
 Spokane Teachers Credit Union, Liberty Lake, Washington
 Cowlitz Bank, Longview, Washington
 Heritage Savings Bank, Olympia, Washington

United Savings and Loan Bank, Seattle, Washington
 Viking Community Bank, Seattle, Washington
 Wheatland Bank, Spokane, Washington
 Sound Banking Company, Tacoma, Washington
 TAPCO Credit Union, Tacoma, Washington
 Banner Bank, Walla Walla, Washington
 Security First Bank, Cheyenne, Wyoming
 Cowboy State Bank, Ranchester, Wyoming
 First State Bank of Thermopolis, Thermopolis, Wyoming

II. Public Comments

To encourage the submission of public comments on the community support performance of Bank members, on or before April 28, 2003, each Bank will notify its Advisory Council and nonprofit housing developers, community groups, and other interested parties in its district of the members selected for community support review in the 2002–03 fifth quarter review cycle. 12 CFR 944.2(b)(2)(ii). In reviewing a member for community support compliance, the Finance Board will consider any public comments it has received concerning the member. 12 CFR 944.2(d). To ensure consideration by the Finance Board, comments concerning the community support performance of members selected for the 2002–03 fifth quarter review cycle must be delivered to the Finance Board on or before the May 26, 2003 deadline for submission of Community Support Statements.

Dated: April 7, 2003.

Arnold Intrater,
General Counsel.

[FR Doc. 03–9020 Filed 4–11–03; 8:45 am]

BILLING CODE 6725–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 8, 2003.

A. Federal Reserve Bank of Kansas City (Susan Zubradt, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. *Central Financial Corporation*, Hutchinson, Kansas; to acquire up to 7.45 percent of the voting shares of Royal Palm Bank of Florida, Naples, Florida.

Board of Governors of the Federal Reserve System, April 8, 2003.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 03-9000 Filed 4-11-03; 8:45 am]

BILLING CODE 6210-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Solicitation of Public Review and Comment on Research Protocol: Alcohol, Sleep, and Circadian Rhythms in Young Humans, Study 2—Effects of Evening Ingestion of Alcohol on Sleep, Circadian Phase, and Performance as a Function of Parental History of Alcohol Abuse/Dependence

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of Public Health and Science, Office for Human Research Protections.

ACTION: Notice.

SUMMARY: The Office for Human Research Protections (OHRP), Office of Public Health and Science, HHS is soliciting public review and comment on a proposed research protocol entitled "Effects of Evening Ingestion of Alcohol on Sleep, Circadian Phase, and

Performance as a Function of Parental History of Alcohol Abuse/Dependence." The proposed research would be supported by a grant awarded by the National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism. Public review and comment are solicited regarding the proposed research protocol pursuant to the requirements of HHS regulations at 45 CFR 46.407.

DATES: To be considered, written or electronic comments on the proposed research must be received on or before 4:30 p.m. May 29, 2003.

ADDRESSES: Submit written comments to: Ms. Kelley Booher, Division of Policy, Planning, and Special Projects, Office for Human Research Protections, 1101 Wootton Parkway, Suite 200, The Tower Building, Rockville, MD 20852, telephone number (301) 402-5942 (not a toll-free number). Comments also may be sent via facsimile at (301) 402-0527 or by e-mail to:

407panel01@osophs.dhhs.gov.

FOR FURTHER INFORMATION CONTACT: Dr. Leslie K. Ball, Office for Human Research Protections, The Tower Building, 1101 Wootton Parkway, Suite 200, Rockville, MD 20852; telephone (301) 496-7005; fax (301) 402-0527; e-mail LBall@osophs.dhhs.gov.

SUPPLEMENTARY INFORMATION: All studies conducted or supported by HHS which are not otherwise exempt and which propose to involve children as subjects require institutional review board (IRB) review in accordance with the provisions of HHS regulations for the protection of human subjects at 45 CFR part 46, subpart D. Pursuant to HHS regulations at 45 CFR 46.407, if an IRB reviewing a protocol to be conducted or supported by HHS does not believe that the proposed research involving children as subjects meets the requirements of HHS regulations at 45 CFR 46.404, 46.405, or 46.406, the research may proceed only if the following conditions are met: (a) the IRB finds and documents that the research presents a reasonable opportunity to further the understanding, prevention, or alleviation of a serious problem affecting the health or welfare of children; and (b) the Secretary, after consultation with a panel of experts in pertinent disciplines (for example: science, medicine, education, ethics, law) and following opportunity for public review and comment, determines either: (1) that the research in fact satisfies the conditions of 45 CFR 46.404, 46.405, or 46.406, or (2) that the following conditions are met: (i) the research presents a reasonable opportunity to further the

understanding, prevention, or alleviation of a serious problem affecting the health or welfare of children; (ii) the research will be conducted in accordance with sound ethical principles; and (iii) adequate provisions are made for soliciting the assent of children and the permission of their parents or guardians, as set forth in 45 CFR 46.408.

HHS received a request from the Lifespan Office of Research Administration, Rhode Island Hospital, to review a protocol entitled "Effects of Evening Ingestion of Alcohol on Sleep, Circadian Phase, and Performance as a Function of Parental History of Alcohol Abuse/Dependence" pursuant to the provisions of HHS regulations at 45 CFR 46.407. This research protocol proposes to study the effects of a small or moderate evening dose of alcohol on sleep, waking performance, and circadian phase in a total of 64 adolescents (15 to 16 years of age) and young adults (21 to 22 years of age), and examine how the effects may differ between individuals who have a parent with a history of alcohol dependence and those who do not. The research protocol is proposed to take place at E.P. Bradley Hospital, an affiliate of Lifespan, the parent corporation of Rhode Island Hospital, and was reviewed by the Rhode Island Hospital IRB. The Rhode Island Hospital IRB is the IRB of record for E.P. Bradley Hospital.

After reviewing this research proposal, the Rhode Island Hospital IRB determined that this study involving children as research subjects could not be approved under HHS regulations at 45 CFR 46.404, 46.405, or 46.406, but was suitable for review under 45 CFR 46.407. The Rhode Island Hospital IRB found that the research presented a reasonable opportunity to further the understanding, prevention or alleviation of a serious problem affecting the health or welfare of children. Experts in relevant disciplines have reviewed this protocol and each have provided recommendations to the Secretary. Public review and comment are hereby solicited pursuant to the requirements of 45 CFR 46.407. The Secretary will consider the experts' recommendations and the public comments in making a final determination regarding whether HHS may support this research.

In particular, comments are solicited on the following questions: (1) What are the potential benefits of the research, if any, to the subjects and to children in general; (2) what are the types and degrees of risk that this research presents to the subjects; (3) are the risks to the subjects reasonable in relation to

the anticipated benefits, if any, to the subjects, and the importance of the knowledge that may reasonably be expected to result; and (4) does the research present a reasonable opportunity to further the understanding, prevention, or alleviation of a serious problem affecting the health or welfare of children?

All written comments concerning this matter should be submitted to Ms. Kelley Booher, Division of Policy, Planning, and Special Projects, Office for Human Research Protections, 1101 Wootton Parkway, Suite 200, The Tower Building, Rockville, MD 20852, telephone number (301) 402-5942 (not a toll-free number). Comments also may be sent via facsimile at (301) 402-2071 or by e-mail to: 407panel01@osophs.dhhs.gov.

Materials available for review on the OHRP web page (available at: <http://ohrp.osophs.dhhs.gov/panels/407-01pnl/pindex.htm>) include: relevant sections of the grant application; sample consent, parental permission and assent documents; the Rhode Island Hospital IRB's deliberations on the protocol; an explanation of Rhode Island Hospital's Pediatric Risk Categories; and OHRP's January 13, 2003, letter to the principal investigator, Dr. Mary Carskadon, explaining why review pursuant to 46.407 is restricted to Study 2. A paper copy of the information referenced here is available upon request.

Dated: April 7, 2003.
Richard H. Carmona,
Surgeon General and Acting Assistant, Secretary for Health.
 [FR Doc. 03-9051 Filed 4-11-03; 8:45 am]
BILLING CODE 4150-36-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60 Day-03-58]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 498-1210.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the

burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Send comments to Anne O'Connor, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS-D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project: Importation and Shipping of Etiologic Agents (42 CFR 71.54 and part 72) OMB Control No. 0920-0199—Extension—Office of the Director (OD), Centers for Disease Control and Prevention (CDC).

The importation of etiological agents, hosts, and vectors of human disease are regulated by 42 CFR 71.54 and requires that the importation of such materials must be accompanied by a permit issued by the CDC. Interstate shipment of etiologic agents are regulated by 42 CFR part 72. This regulation establishes minimal packaging requirements for all viable micro-organisms, illustrates the appropriate shipping label, and provides reporting instructions regarding damaged packages and failure to receive a shipment. This request is for the information collection requirements contained in 42 CFR 71.54, 72.3(e), 72.3(f), and 72.4 which relate to the importation and interstate shipment of etiologic agents. Respondents include laboratory facilities such as those operated by government agencies, universities, research institutions, and commercial entities. The only cost to respondents is their time to complete the application for permit to import form and report problems with shipment of etiologic agents.

CFR section	Number of respondents	Number of responses per respondent	Avg. burden per response (in hrs.)	Total burden hours
72.54 Application Permit	2,000	1	20/60	666
72.3(e) Damaged Package	50	1	6/60	5
72.3(f) Shipping Requirement	200	10	12/60	400
72.4 Failure to Receive	20	1	12/60	4
Total	2,270	1,075

Dated: April 7, 2003.
Thomas Bartenfeld,
Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention.
 [FR Doc. 03-9018 Filed 4-11-03; 8:45 am]
BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60-Day-03-59]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of section 3506(c)(2)(A) of the

Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 498-1210.

Comments are invited on: (a) Whether the proposed collection of information

is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Send comments to Anne O'Connor, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS-D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project: Possession, Use, and Transfer of Select Agents and Toxins (OMB Control No. 0920-0576)—Extension—Office of the Director (OD), Centers for Disease Control and Prevention (CDC).

The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Pub. L. 107-188) specifies that the Secretary of Health and Human Services shall provide for the establishment and enforcement of standards and procedures governing the possession, use, and transfer of select biological agents and toxins. The Act specifies that facilities that possess, use, and transfer select agents register with the Secretary. The Secretary has designated CDC as the agency responsible for collecting this information.

CDC is requesting continued OMB approval to collect this information through the use of five separate forms. These forms are: (1) Application for Registration; (2) Facility Notification Form; (3) Request for Exemption; (4) Transfer of Select Agent form; and (5) Clinical and Diagnostic Laboratory Reporting Form.

The Application for Registration will be used by facilities to register with CDC. The Application for Registration requests facility information, a list of select agents in use, possession, or for transfer by the facility, characterization of the select agent, and laboratory information. Estimated average time to complete this form is 3 hours, 45 minutes for an entity with one principal investigator working with one select agent. CDC estimates that entities will

need an additional 45 minutes for each additional investigator or select agent. This is an increase of 1 hour, 45 minutes over the previous form due to new reporting requirements for security and identification of those individuals the entity has designated to have a legitimate need to handle or use such agents.

Facilities may amend their registration if any changes occur in the information submitted to the Secretary. To apply for an amendment to a certificate of registration, an entity must obtain the relevant portion of the application package and submit the information requested in the package to CDC. Estimated time to amend a registration package is 60 minutes.

The Facility Notification Form must be completed by facilities whenever there is release of a select agent or theft or loss of a select agent. This is a new form. Estimated average time to complete this form is 60 minutes.

The Request for Exemption form will be used by facilities that are using select agents in investigational new drug testing or in cases of public health emergency. This is a new form. Estimated average time to complete this form is 70 minutes.

The Transfer of Select Agent Form will be used by facilities requesting transfer of a select agent to their facilities and by the facility transferring the agent. This is a modification of an existing form approved under OMB Control No. 0920-0199. Estimated average time to complete this form is 1 hour, 45 minutes. This is an increase of 75 minutes due to procedural changes.

The Clinical and Diagnostic Laboratory Exemption Report will be used by clinical and diagnostic laboratories to notify the Secretary that select agents identified as the result of diagnosis or proficiency testing have been properly disposed of. This is a new form. Estimated average time to complete this form is 60 minutes.

In addition to the standardized forms, this regulation also outlines situations in which an entity must notify or make a request of the Secretary in writing and CDC is requesting OMB approval to collect this information. The regulation states that an entity must notify the Secretary in writing at least five business days before destroying all select agent or toxin covered by a

certificate of registration. The estimated time to gather the information and submit this notification is 30 minutes.

An entity may also apply to the Secretary for an expedited review of an individual by the Attorney General. To apply for this expedited review, an entity must submit a request in writing to the Secretary establishing the need for such action. The estimated time to gather the information and submit this request is 30 minutes. Entities should be aware that CDC is not developing standardized forms to use in these situations. Rather, the entity should provide the information as requested in the appropriate section of the regulation.

As part of the safety requirements of this regulation, the Responsible Official is required to conduct regular inspections (at least annually) of the laboratory where select agents and toxins are stored. The results of these inspections must be documented. CDC estimates that, on the average, such documentation will take 1 hour.

Also, as part of the safety requirements of this regulation, the entity is required to record the identity of the individual trained, the date of training, and the means used to verify that the employee understood the training. Estimated time for this documentation is 2 hours per principal investigator.

An entity or an individual may request administrative review of a decision denying or revoking either a certification of registration or approval based on a security risk assessment. This request must be in writing within 30 calendar days after the adverse decision. This request should include a statement of the factual basis for the review. CDC estimates the time to prepare and submit such a request is 4 hours.

Finally, an entity must implement a system to ensure that certain records and databases are accurate and that the authenticity of records may be verified. The time to implement such a system is estimated to average 4 hours.

The cost to respondents is their time to complete the forms and comply with the reporting and recordkeeping components of the Act plus a one-time purchase of a file cabinet (estimated cost \$400) to maintain records.

CFR reference	Data collection	Number of respondents	Responses per respondent	Avg burden per response (in hrs.)	Total annual burden (in hrs.)
73.7(b)	Registration application	1,000	1	3.75	6,262
73.7(e)	Amendment to registration application	1,000	2	1	2,000
73.17 (a)(e).	Notification form	10	1	1	10

CFR reference	Data collection	Number of respondents	Responses per respondent	Avg burden per response (in hrs.)	Total annual burden (in hrs.)
73.6 (c-e)	Request for exemption	17	1	70/60	20
73.14	Transfer of select agent	1,000	5	1.75	8,750
73.6 (a)(2)	Clinical and diagnostic laboratory exemption report.	1,000	4	1	4,000
73.7(i)	Notification of inactivation	6	1	30/60	3
73.8(g)	Request expedited review	6	1	30/60	3
73.10(b) ...	Documentation of self-inspection	1,000	1	1	1,000
73.13(f)	Documentation of training	1,000	1	2	8,700
73.18	Administrative review	14	1	4	56
73.15(d) ...	Ensure secure recordkeeping system	1,000	1	30/60	4,000
Total	1,000	34,804

Dated: April 7, 2003.

Thomas Bartenfeld,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention.

[FR Doc. 03-9019 Filed 4-11-03; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. 78N-0377 and 98P-1041; DESI 7661]

Certain Estrogen-Androgen Combination Drugs; Drugs for Human Use; Drug Efficacy Study Implementation; Amendment and Opportunity for Hearing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is amending a previous **Federal Register** notice to reclassify certain estrogen-androgen combination drugs as lacking substantial evidence of effectiveness for the treatment of moderate to severe vasomotor symptoms associated with the menopause in those patients not improved by estrogen alone. The agency is taking this action because for this indication there is not substantial evidence of the contribution of each component to the effectiveness of these combination drugs. FDA is offering an opportunity for a hearing to persons affected by this action.

DATES: Requests for hearings are due on or before May 14, 2003. Data in support of hearing requests are due June 13, 2003.

ADDRESSES: Communications in response to this notice should be identified with the reference number DESI 7661 and directed to the attention of the appropriate office named below. A request for hearing, supporting data,

and other comments should be identified with Docket No. 76N-0377 and submitted to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. A request for an opinion on the applicability of this notice to a specific drug product should be directed to the Division of New Drugs and Labeling Compliance (HFD-310), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

David T. Read, Center for Drug Evaluation and Research (HFD-7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-594-2041.

SUPPLEMENTARY INFORMATION:

I. Background

In a notice published in the **Federal Register** of September 8, 1972 (37 FR 18225), FDA announced its evaluation of the various indications claimed for the following combination drugs that contain an estrogen and an androgen:

1. Halodrin Tablets (NDA 11-267), containing fluoxymesterone and ethinyl estradiol;
2. Tylosterone Injection (NDA 8-099), containing diethylstilbestrol and methyltestosterone;
3. Tylosterone Tablets (NDA 7-661), containing diethylstilbestrol and methyltestosterone;
4. Tace with Androgen Capsules (NDA 10-597), containing chlorotrianisene and methyltestosterone;
5. Deladumone Injection and Deladumone OB Injection (NDA 9-545), containing testosterone enanthate and estradiol valerate.

As announced in that 1972 notice, FDA found these drugs to be safe and effective for the "prevention of postpartum breast engorgement and "for the menopausal syndrome in those

patients not improved by estrogen alone."

In the **Federal Register** of December 17, 1998 (63 FR 69631), FDA withdrew approval of estrogen-containing drugs insofar as they are indicated for postpartum breast engorgement because estrogens have not been shown to be safe for this use. That **Federal Register** notice included, among others, four of the five NDAs listed above. (NDA 11-267 was not included because the drug product covered by that application, Halodrin Tablets, was not labeled for use for postpartum breast engorgement.) Given this December 17, 1998 notice, the following discussion relates only to the second indication found safe and effective in the 1972 notice, i.e., "for the menopausal syndrome in patients not improved by estrogen alone."

In the **Federal Register** of September 29, 1976 (41 FR 43112), the agency announced that the menopausal indication for combination drugs containing an estrogen and an androgen was revised to read as follows:

Moderate to severe vasomotor symptoms associated with the menopause in those patients not improved by estrogen alone. (There is no evidence that estrogens are effective for nervous symptoms or depression which might occur during menopause, and they should not be used to treat these conditions.) 41 FR 43112 at 43113. (emphasis in original)

This action was taken as one part of a large agency undertaking with respect to the labeling (patient-directed as well as physician-directed) for all estrogen-containing drug products. The following documents were also published in the **Federal Register** of September 29, 1976: (1) 41 FR 43110 (DESI 2238; Certain Preparations for Vaginal Use); (2) 41 FR 43114 (DESI 1543; Certain Estrogen-Containing Drugs for Oral or Parenteral Use); (3) 41 FR 43117 (DESI 740, 1543, 2238, and 7661; Physician Labeling and Patient Labeling for Estrogens for General Use); and (4) 41 FR 43108 (a proposed rule that would require certain patient-directed labeling for estrogens for general use).

The five applications listed below were approved on the basis of the 1976 notice, and their approvals are withdrawn in a notice published elsewhere in today's issue of the **Federal Register**:

1. NDA 17-968 and ANDA 85-603 (testosterone cypionate 50 milligrams/milliliter (mg/mL) and estradiol cypionate 2 mg/mL injection).
2. ANDA 85-860 and ANDA 86-423 (testosterone enanthate 180 mg/mL and estradiol valerate 8 mg/mL injection).
3. ANDA 85-865 (testosterone enanthate 90 mg/mL and estradiol valerate 4 mg/mL injection).

In 1981, the Center for Drug Evaluation and Research (CDER) (then the Bureau of Drugs) determined in response to requests from the sponsors that the effectiveness finding of the 1976 DESI 7661 **Federal Register** notice could be applied to two combination drug products that were not listed in the 1976 notice, but were being marketed at the time: (1) Conjugated estrogens and methyltestosterone and (2) esterified estrogens and methyltestosterone. Based on this finding, FDA filed (i.e., accepted for review) abbreviated new drug applications (ANDAs) for these drug products. Wyeth-Ayerst submitted ANDA 85-515 for a drug product containing 0.625 mg conjugated estrogens and 5 mg methyltestosterone, and ANDA 87-824 for a drug product containing 1.25 mg conjugated estrogens and 10 mg methyltestosterone. Reid-Provident Laboratories (subsequently acquired by Solvay Pharmaceuticals, Inc.) submitted ANDA 87-212 for a drug product containing 0.625 mg esterified estrogens and 1.25 mg methyltestosterone (Estratest H.S.), and ANDA 87-597 for a drug product containing 1.25 mg esterified estrogens and 2.5 mg methyltestosterone (Estratest).

In 1996, FDA withdrew Wyeth-Ayerst's two pending applications under 21 CFR 314.65 because the applications had been inactive for many years and Wyeth-Ayerst had stopped marketing the products. Solvay continues to market Estratest and Estratest H.S. The ANDAs for the Estratest products have not been approved and are still pending.

FDA has withdrawn approval of all five new drug applications (NDAs) named in the 1972 and 1976 notices. The agency withdrew approval of NDA 10-597 (Tace with Androgen Capsules containing chlorotrianisene and methyltestosterone) and NDA 11-267 (Halodrin Tablets containing fluoxymesterone and ethinyl estradiol) in **Federal Register** notices of June 25, 1993 (58 FR 34466), and March 2, 1994

(59 FR 9989), respectively. The agency withdrew approval of NDA 7-661 (Tylosterone Tablets) and NDA 8-099 (Tylosterone Injection), both containing diethylstilbestrol and methyltestosterone, and NDA 9-545 (Deladumone OB Injection and Deladumone Injection, each containing testosterone enanthate and estradiol valerate) in a notice published in the **Federal Register** of October 29, 1998 (63 FR 58053).

In response to the notice of October 29, 1998, on November 24, 1998, Solvay Pharmaceuticals submitted a citizen petition (Docket No. 98P-1041) requesting that FDA determine that the products covered by the three applications withdrawn in the October 21, 1998, notice were not withdrawn for reasons of safety or effectiveness. As FDA is doing for the five estrogen-androgen combination products whose approvals are being withdrawn in a notice published elsewhere in today's issue of the **Federal Register**, the agency is deferring to the outcome of this proceeding to amend the 1976 notice the determination of whether the products covered by the three applications named in Solvay's petition were withdrawn for reasons of safety or effectiveness. If the proceeding to amend the 1976 notice determines that there is substantial evidence of effectiveness of the estrogen-androgen combination products for the treatment of moderate to severe vasomotor symptoms associated with the menopause in those patients not improved by estrogen alone, then the products covered by the three applications named in Solvay's petition, as well as the five products referred to in a notice published elsewhere in today's issue of the **Federal Register**, will be regarded as not withdrawn for reasons of effectiveness.

As mentioned previously, there are two pending ANDAs for Solvay's Estratest and Estratest H.S., originally filed in 1981. However, as described in detail below, FDA no longer believes that estrogen-androgen combination drug products are effective for the treatment of moderate to severe vasomotor symptoms associated with the menopause in those patients not improved by estrogen alone. FDA, therefore, has initiated this proceeding to amend the DESI finding of effectiveness for these products. This proceeding is limited to a determination of whether there is substantial evidence of the effectiveness of estrogen-androgen combination drug products for the treatment of moderate to severe vasomotor symptoms associated with the menopause in those patients not

improved by estrogen alone. The use of these combination drug products for any other use, including but not limited to the treatment of other menopausal symptoms, will not be considered in this proceeding. The effectiveness of estrogen-androgen combination products for indications not covered by this proceeding should be addressed through the new drug application process.

II. The Safety and Effectiveness of Estrogen-Androgen Combination Drug Products for the Treatment of Vasomotor Symptoms Associated With Menopause in Patients Not Improved by Estrogen Alone

The agency took a renewed interest in estrogen-androgen combination drug products when concerns were raised about the effect of androgens in lowering high-density lipoproteins (Refs.

1 and 2). It is believed that oral androgens can reverse the favorable impact of estrogen on lipoproteins (Ref. 3). Other safety concerns were virilization (Refs. 4 and 5) and possible liver toxicity (Refs. 6, 7, and 8).

FDA concluded that the negative effects androgens may have on lipid profile may be offset by a potential positive effect on bone mineral density (Refs. 1, 9, and 10).

With respect to virilization (i.e., hirsutism, acne, deepening of the voice, alopecia, and clitoromegaly), FDA observed that the incidence varied widely in clinical studies and appeared to be dose and duration dependent. In a 2-year trial of 33 women treated with methyltestosterone 2.5 mg and esterified estrogen 1.25 mg daily, 36 percent reported a hair disorder and 30 percent reported acne (Ref. 1). In the same 2-year trial of 33 women treated with esterified estrogen 1.25 mg daily, 3 percent reported a hair disorder and 6 percent reported acne (Ref. 1). In another trial at 24 months, 10 of the 154 women treated with methyltestosterone and esterified estrogens and 3 of the 157 women treated with esterified estrogens reported hirsutism (Ref. 9).

FDA does not believe there is a serious risk for possible liver toxicity at the relatively low doses of androgen administered in standard oral estrogen-androgen combination therapies (Refs. 11, 12, and 13).

An agency review of the literature regarding safety concerns led to scrutiny of the labeled indication, that is, moderate to severe vasomotor symptoms associated with the menopause in those patients not improved by estrogen alone.

Estrogen-alone drug products are approved for the treatment of moderate to severe vasomotor symptoms associated with the menopause. Vasomotor symptoms associated with the menopause are, simply put, "hot flashes." A hot flash is a sudden feeling of heat, usually on the face, neck, shoulders, and chest. Hot flashes have been described as "recurrent, transient periods of flushing, sweating, and a sensation of heat, often accompanied by palpitation, feeling of anxiety, and sometimes followed by chills" (Ref. 14). When hot flashes occur at night, they are often called night sweats.

The indication for estrogen-androgen combination drug products is limited to that subset of women with "moderate to severe vasomotor symptoms associated with the menopause" that are "*not improved by estrogen alone*" (emphasis added). The precise wording of the indication quite narrowly defines the intended population. Thus, to be found effective for this narrow indication, there would need to be reliable evidence that estrogen-androgen combination products are effective in treating the population of menopausal women whose vasomotor symptoms are not relieved by estrogen alone.

FDA believes that substantial evidence is lacking that the addition of an androgen can improve the effectiveness of estrogen alone in the treatment of vasomotor symptoms (i.e., hot flashes). An early randomized, placebo-controlled, five-arm, two-period crossover clinical trial by Sherwin and Gelfand (Ref. 15) compared the effects on surgically menopausal women of immediate postoperative parenteral administration of estrogen alone (n=11), androgen alone (n=10), estrogen and androgen in combination (n=12), and placebo (n=10) to hysterectomy controls (n=10) and found that the androgen alone, estrogen-androgen combination, and control hysterectomy groups had lower (i.e., lower frequency and severity) menopausal somatic symptoms scores than the estrogen alone and placebo groups. The menopausal somatic symptoms score evaluated a constellation of symptoms including hot flashes, cold sweats, weight gain, rheumatic pains, cold hands and feet, breast pains, headaches, numbness and tingling, and skin crawls. A single-center, double-blind randomized, 6-month study by Hickok, Toomey, and Speroff (Ref. 2) compared the effects of treating surgically menopausal women with esterified estrogens alone (n=13) or in combination with methyltestosterone (n=13) on a similar constellation of menopausal symptoms, but found no statistically significant difference

between the two treatments. The 15 menopausal symptoms evaluated were hot flashes, cold sweats, vaginal dryness, cold hands and feet, breast pain or tenderness, numbness and tingling, skin crawls, edema, increased facial or body hair, voice deepening, acne, trouble sleeping, pounding of the heart, dizzy spells, and pressure or tightness in the head or body. A 2-year, multicenter, double-blind, randomized, parallel group study (Ref. 9) comparing the effects of 2 doses of conjugated equine estrogen and 2 doses of esterified estrogen plus methyltestosterone in a total of 311 surgically menopausal women found no differences among the groups in relief of hot flashes, sweats, and vaginal dryness.

Clinical studies that evaluated the effect of estrogen-androgen combination therapy specifically on hot flashes found that the combination does not reduce the frequency of vasomotor symptoms more than estrogen alone. Watts et al. (Ref. 1) compared treatment with esterified estrogens alone and treatment with esterified estrogens and methyltestosterone in a 2-year, multicenter, double-blind, randomized, parallel group study conducted in 66 surgically menopausal women. The authors found no significant difference in the mean reduction from baseline in the number of hot flashes between the two groups. Sarrel et al. (Ref. 17) found no meaningful differences in relief from hot flashes when 20 postmenopausal women were treated for 8 weeks with esterified estrogens or an esterified estrogens-androgen combination in a single-center, double-blind, randomized, parallel group study. Burger (Ref. 18) administered subcutaneous implants of estradiol and testosterone to 17 menopausal women who complained that symptoms persisted, particularly loss of libido, despite treatment with conjugated equine estrogens. There was no statistically significant change from baseline in hot flashes after treatment. Myers et al. (Ref. 19) conducted a 10-week, double-blind, placebo controlled, parallel group study in 40 naturally menopausal women comparing 4 treatments: Conjugated estrogens alone, conjugated estrogens and medroxyprogesterone, conjugated estrogens and androgen, and placebo. The study found that the estrogen and estrogen/medroxyprogesterone groups had significantly fewer hot flashes than the estrogen/androgen or placebo groups. The authors concluded: "This result is consistent with other studies showing no effect of androgen alone on hot flashes" (Ref. 19, p. 1129).

Other authors affirm the conclusion that estrogen-androgen combination drug products are not superior to estrogen in reducing vasomotor symptoms (Refs. 3, 20 through 23). Rosenberg summarized the evidence concerning the alleviation of vasomotor symptoms as follows: "Studies suggest that estrogen is primarily responsible for reductions in vasomotor symptoms and that the addition of androgen neither improves nor detracts from this beneficial effect" (Ref. 24, p. 400).

III. FDA's Conclusions Concerning the Safety and Effectiveness of Estrogen-Androgen Combination Drug Products

For the reasons discussed previously, FDA no longer regards combination drug products containing estrogen(s) and androgen(s) as having been shown to be effective for the treatment of moderate to severe vasomotor symptoms associated with the menopause in those patients not improved by estrogen alone. The agency has closely examined the data and information that formed the basis for the 1976 finding that such combinations were effective for this indication, as well as the subsequent literature, and has determined that there is a lack of substantial evidence that this combination is effective for "moderate to severe vasomotor symptoms associated with the menopause in those patients not improved by estrogen alone."

IV. References

The following references have been placed on display in the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Watts, N. B. et al., "Comparison of Oral Estrogens and Estrogens Plus Androgen on Bone Mineral Density, Menopausal Symptoms, and Lipid-Lipoprotein Profiles in Surgical Menopause," *Obstetrics & Gynecology*, 85:529-537, 1995.
2. Hickok, L. R., C. Toomey, and L. Speroff, "A Comparison of Esterified Estrogens With and Without Methyltestosterone: Effects on Endometrial Histology and Serum Lipoproteins in Postmenopausal Women," *Obstetrics & Gynecology*, 82:919-924, 1993.
3. Kaunitz, A. M., "The Role of Androgens in Menopausal Hormonal Replacement," *Endocrinology and Metabolism Clinics of North America*, 26(2):391-397, 1997.
4. ACOG Committee on Gynecologic Practice, "Committee Opinion: Androgen Treatment of Decreased Libido," *2002 Compendium of Selected Publications*, American College of Obstetricians and Gynecologists, Washington, DC, pp. 5-6, 2002.
5. Gelfand, M. M., and B. Wiita, "Androgen and Estrogen-Androgen Hormone

Replacement Therapy: A Review of the Safety Literature, 1941 to 1996," *Clinical Therapeutics*, 19(3):383-399, 1997.

6. Westaby, D. et al., "Liver Damage from Long-Term Methyltestosterone," *Lancet*, 2:262-263, 1977.

7. Turani, H. et al., "Hepatic Lesions in Patients on Anabolic Androgenic Therapy," *Israel Journal of Medical Sciences*, 19:332-337, 1983.

8. Lucey, M. R., and R. H. Moseley, "Severe Cholestasis Associated With Methyltestosterone: A Case Report," *American Journal of Gastroenterology*, 82:461-462, 1987.

9. Barrett-Connor, E. et al., "A Two-Year, Double-Blind Comparison of Estrogen-Androgen and Conjugated Estrogens in Surgically Menopausal Women," *Journal of Reproductive Medicine*, 44:1012-1020, 1999.

10. Raisz, L. G. et al., "Comparison of the Effects of Estrogen Alone and Estrogen Plus Androgen on Biochemical Markers of Bone Formation and Resorption in Postmenopausal Women," *Journal of Clinical Endocrinology and Metabolism*, 81:37-43, 1996.

11. Gitlin, N., P. Korner, and H. Yang, "Liver Function in Postmenopausal Women on Estrogen-Androgen Hormone Replacement Therapy: A Meta-Analysis of Eight Clinical Trials," *Menopause*, 6(3):216-224, 1999.

12. Ettinger, B., "Letter: Estrogen-Androgen Hepatotoxicity," *American Journal of Obstetrics and Gynecology*, 178(3):627-628, 1998.

13. Phillips, E., and C. Bauman, "Safety Surveillance of Esterified Estrogens-Methyltestosterone (ESTRATEST and ESTRATEST HS) Replacement Therapy in the United States," *Clinical Therapeutics*, 19(5):1070-1084, 1997.

14. Kronenberg, F., "Hot Flashes: Epidemiology and Physiology," *Annals of the New York Academy of Sciences*, 592:52-86, 1990.

15. Sherwin, B., and M. Gelfand, "Differential Symptom Response to Parenteral Estrogen and/or Androgen Administration in the Surgical Menopause," *American Journal of Obstetrics and Gynecology*, 151(2):153-160, 1985.

16. Barrett-Connor, E., "Efficacy and Safety of Estrogen/Androgen Therapy," *Journal of Reproductive Medicine*, 43(8-Suppl.):746-752, 1998.

17. Sarrel, P. et al., "Estrogen and Estrogen-Androgen Replacement in Postmenopausal Women Dissatisfied with Estrogen-Only Therapy," *Journal of Reproductive Medicine*, 43(10):847-856, 1998.

18. Burger, H. et al., "The Management of Persistent Menopausal Symptoms with Oestradiol-Testosterone Implants: Clinical, Lipid and Hormonal Results," *Maturitas*, 6:351-358, 1984.

19. Myers, L. S. et al., "Effects of Estrogen, Androgen and Progesterin on Sexual Psychophysiology and Behavior in Postmenopausal Women," *Journal of Clinical Endocrinology and Metabolism*, 70(4):1124-1131, 1990.

20. Greenblatt, R. B. et al., "Evaluation of an Estrogen, Androgen, Estrogen-Androgen Combination, and a Placebo in the Treatment

of the Menopause," *Journal of Clinical Endocrinology and Metabolism*, 10:1547-1558, 1950.

21. McNagny, S. E., "Prescribing Hormone Replacement Therapy for Menopausal Symptoms," *Annals of Internal Medicine*, 131(8):605-616, 1999.

22. Barlow, D. H. et al., "Long-Term Hormone Implant Therapy—Hormonal and Clinical Effects," *Obstetrics & Gynecology*, 67:321-325, 1986.

23. Rymer, J., and E. Morris, "Menopausal Symptoms," *Clinical Evidence*, 5: 1308-1310, June 2001.

24. Rosenberg, M. J., T. D. N. King, and M. C. Timmons, "Estrogen-Androgen for Hormone Replacement: A Review," *Journal of Reproductive Medicine*, 42(7):394-404, 1997.

V. Amendment

Based on the findings discussed in section II of this document, FDA is amending the **Federal Register** notice of September 29, 1976 (41 FR 43112), to reclassify estrogen-androgen combination drugs as lacking substantial evidence of effectiveness for moderate to severe vasomotor symptoms associated with the menopause in those patients not improved by estrogen alone.

Drug products covered by this notice (i.e., estrogen-androgen combination drugs) are regarded as new drugs (section 201(p) of the Federal Food, Drug, and Cosmetic Act (the act) 21 U.S.C. 321(p)). An approved NDA is required for marketing.

VI. Notice of Opportunity for a Hearing

Any manufacturer or distributor of a drug product affected by this notice is hereby offered an opportunity for a hearing to show why estrogen-androgen combination drugs should not be reclassified as lacking substantial evidence of effectiveness for moderate to severe vasomotor symptoms associated with the menopause in those patients not improved by estrogen alone.

This notice applies to the particular estrogen-androgen combination drugs named in this notice and to any identical, related, or similar drug product under § 310.6 (21 CFR 310.6), whether or not it is the subject of an approved NDA or ANDA. Estrogen-androgen combination drugs subject to this notice include, but are not limited to, the following combination drugs: fluoxymesterone and ethinyl estradiol; diethylstilbestrol and methyltestosterone; chlorotrianisene and methyltestosterone; testosterone enanthate and estradiol valerate; testosterone cypionate and estradiol cypionate; and esterified estrogens and methyltestosterone.

It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product that the person manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product by writing to the Division of New Drugs and Labeling Compliance (see **ADDRESSES**).

A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing, together with a well-organized and full factual analysis of the clinical and other investigational data that the objector is prepared to prove in a hearing. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well-controlled clinical investigations as described in 21 CFR 314.126.

This notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in § 310.6), e.g., any contention that any such drug product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act under the exemption for drug products marketed before June 25, 1938, in section 201(p) of the act, or under section 107(c) of the Drug Amendments of 1962, or for any other reason. With respect to the issue of effectiveness, however, this notice is limited to whether there is substantial evidence of the effectiveness of estrogen-androgen combination drug products for the treatment of moderate to severe vasomotor symptoms associated with the menopause in those patients not improved by estrogen alone. The use of these drug products for any indication other than for the treatment of moderate to severe vasomotor symptoms associated with the menopause in those patients not improved by estrogen alone will not be considered in this proceeding.

Any person subject to this notice who decides to seek a hearing shall file: (1) On or before May 14, 2003, a written notice of appearance and request for hearing, and (2) on or before June 13, 2003, the data, information, and analyses relied on to demonstrate that there is a genuine issue of material fact to justify a hearing. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for a hearing, a notice of

appearance and request for a hearing, information and analyses to justify a hearing, other comments, and a grant or denial of a hearing are contained in § 314.200 (21 CFR 314.200) and in 21 CFR part 12.

The failure of any person subject to this notice to file a timely written notice of appearance and request for hearing, as required by § 314.200, constitutes an election by that person not to use the opportunity for a hearing concerning the action proposed and a waiver of any contentions concerning the legal status of that person's drug product(s). Any new drug product marketed without an approved new drug application is subject to regulatory action at any time, but any person subject to this notice who files a timely written notice of appearance and request for hearing and who remains a party to this proceeding will not be subject to regulatory action for matters covered by this notice until the conclusion of this proceeding. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that there is no genuine and substantial issue of fact to justify a hearing, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, and denying a hearing.

All submissions under this notice of opportunity for a hearing are to be filed in four copies. Except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, the submissions may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 21 U.S.C. 352, 355) and under authority delegated to the Director of the Center for Drug Evaluation and Research (21 CFR 5.100).

Dated: April 4, 2003.

Janet Woodcock,

Director, Center for Drug Evaluation and Research.

[FR Doc. 03-9065 Filed 4-10-03; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. 98N-0718 and 76N-0377]

Pharmacia & Upjohn et al.; Withdrawal of Approval of One New Drug Application and Four Abbreviated New Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of one new drug application (NDA) and four abbreviated new drug applications (ANDAs). The holders of the applications notified the agency in writing that the drug products were no longer marketed and requested that the approval of the applications be withdrawn.

EFFECTIVE DATE: May 14, 2003.

FOR FURTHER INFORMATION CONTACT:

David T. Read, Center for Drug Evaluation and Research (HFD-7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-594-2041.

SUPPLEMENTARY INFORMATION: The holders of the applications listed in the table in this document have informed FDA that these drug products are no longer marketed and have requested that FDA withdraw approval of the applications. The applicants have also, by their requests, waived their opportunity for a hearing.

Application No.	Drug	Applicant
NDA 17-968	Depo-Testadiol (testosterone cypionate and estradiol cypionate) Injection, 50 milligrams/milliliter (mg/mL) and 2 mg/mL.	Pharmacia & Upjohn Co., 7000 Portage Rd., Kalamazoo, MI 49001-0199.
ANDA 85-603	Testosterone Cypionate-Estradiol Cypionate Injection.	Steris Laboratories, Inc., 620 North 51st Ave., Phoenix, AZ 85043-4706.
ANDA 85-860	Testosterone Enanthate and Estradiol Valerate Injection, 180 mg/mL and 8 mg/mL.	Do.
ANDA 85-865	Testosterone Enanthate and Estradiol Valerate Injection, 90 mg/mL and 4 mg/mL.	Do.
ANDA 86-423	Ditate-DS (testosterone enanthate and estradiol valerate) Injection, 180 mg/mL and 8 mg/mL.	Savage Laboratories, 60 Baylis Rd., Melville, NY 11747.

The applications listed in the table in this document, all estrogen-androgen combination products, were submitted following a finding by the FDA published in the **Federal Register** of September 29, 1976 (41 FR 43112). Elsewhere in today's issue of the **Federal Register**, FDA is initiating a proceeding in which it proposes to amend the 1976 notice. That proceeding will determine if there is substantial evidence of effectiveness of the

estrogen-androgen combination products specifically named in the notice proposing to amend the 1976 notice, as well as of any products that are identical, related, or similar (including but not limited to the five products listed in this notice). The agency, therefore, is deferring until the outcome of that proceeding the determination, under § 314.161 (21 CFR 314.161), of whether the five products

listed in this notice were withdrawn for reasons of safety or effectiveness.

Therefore, under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) and under authority delegated to the Director, Center for Drug Evaluation and Research (21 CFR 5.105), approval of the applications listed in the table in this document, and all amendments and supplements thereto, is hereby withdrawn, effective May 14, 2003.

Dated: April 4, 2003.

Janet Woodcock,

Director, Center for Drug Evaluation and Research.

[FR Doc. 03-9064 Filed 4-10-03; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Antiviral Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Antiviral Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on May 13 and 14, 2003, from 8 a.m. to 5 p.m.

Location: Holiday Inn, The Ballrooms, Two Montgomery Village Ave., Gaithersburg, MD.

Contact Person: Tara P. Turner, Center for Drug Evaluation and Research (HFD-21), Food and Drug Administration, 5600 Fishers Lane (for express delivery, 5630 Fishers Lane, rm. 1093), Rockville, MD 20857, 301-827-7001, e-mail: TurnerT@cder.fda.gov, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area), code 12531. Please call the Information Line for up-to-date information on this meeting.

Agenda: On May 13, 2003, the committee will discuss new drug applications (NDA) 21-567 and 21-568, REYATAZ (atazanavir sulfate) capsules and powder for oral use, Bristol-Myers Squibb Co., proposed for the treatment of human immunodeficiency virus (HIV) infection in combination with other antiretroviral agents. On May 14, 2003, the committee will discuss supplemental new drug application (SND) 20-550/S-019, VALTRES (valacyclovir hydrochloride) caplets, GlaxoSmithKline, proposed for reduction of the risk of transmission of genital herpes with the use of suppressive therapy.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending

before the committee. Written submissions may be made to the contact person by May 6, 2003. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. on May 13, 2003, and between approximately 11 a.m. and 12 noon on May 14, 2003. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before May 6, 2003, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Tara Turner at least 7 days in advance of the meeting.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: April 7, 2003.

Linda Arey Skladany,

Associate Commissioner for External Relations.

[FR Doc. 03-9031 Filed 4-11-03; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Peripheral and Central Nervous System Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Peripheral and Central Nervous System Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on May 16, 2003, from 8 a.m. to 5 p.m.

Location: Holiday Inn, Versailles Ballrooms, 8120 Wisconsin Ave., Bethesda, MD, 301-652-2000.

Contact Person: Karen M. Templeton-Somers, Center for Drug Evaluation and Research (HFD-21), Food and Drug Administration, 5600 Fishers Lane (for express delivery, 5630 Fishers Lane, rm. 1093) Rockville, MD 20857, 301-827-7001, or e-mail: SomersK@cder.fda.gov, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area) code 12543. Please call the Information Line for up to date information on this meeting.

Agenda: The committee will discuss supplemental new drug application (sNDA) 20-690, supplement SE1-020, ARICEPTR (donepezil hydrochloride tablets), Eisai Medical Research Inc., indicated for the treatment of vascular dementia. The background material will become available no later than the day before the meeting and will be posted under the Peripheral and Central Nervous System Drugs Advisory Committee docket site at <http://www.fda.gov/ohrms/dockets/ac/acmenu.htm>. (Click on the year 2003 and scroll down to the Peripheral and Central Nervous System Drugs Advisory Committee meetings.)

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by May 9, 2003. Oral presentations from the public will be scheduled between approximately 1:30 p.m. and 2:30 p.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before May 9, 2003, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Karen Templeton-Somers at least 7 days in advance of the meeting.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: April 7, 2003.

Linda Arey Skladany,
Associate Commissioner for External Relations.

[FR Doc. 03-9032 Filed 4-11-03; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Manufacturing Subcommittee of the Advisory Committee for Pharmaceutical Science; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Manufacturing Subcommittee of the Advisory Committee for Pharmaceutical Science.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on May 21 and 22, 2003, from 8:30 a.m. to 5 p.m.

Location: Marriott Washingtonian Center, Ballrooms A, B, C, and D, 9751 Washingtonian Blvd., Gaithersburg, MD.

Contact Person: Kathleen Reedy, Center for Drug Evaluation and Research (HFD-21), Food and Drug Administration, 5600 Fishers Lane (for express delivery, 5630 Fishers Lane, rm. 1093), Rockville, MD 20857, 301-827-7001, e-mail: REEDYK@cder.fda.gov, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area), code 12539. Please call the Information Line for up-to-date information on this meeting.

Agenda: On May 21, 2003, the subcommittee will discuss: (1) The mission of the subcommittee; and (2) direction of the Pharmaceutical Current Good Manufacturing Practices (CGMPs) for the 21st Century: A Risk-Based Approach. On May 22, 2003, the subcommittee will discuss: (1) The regulatory approaches regarding aseptic manufacturing; and (2) process analytical technologies and transition from the Advisory Committee for Pharmaceutical Science—Process

Analytical Technologies Subcommittee to Manufacturing Subcommittee.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the subcommittee. Written submissions may be made to the contact person by May 13, 2003. Oral presentations from the public will be scheduled between approximately 11:30 a.m. and 12:30 p.m. on both days. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before May 13, 2003, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Kathleen Reedy at least 7 days in advance of the meeting.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: April 7, 2003.

Linda Arey Skladany,
Associate Commissioner for External Relations.

[FR Doc. 03-9029 Filed 4-11-03; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 03N-0134]

Team Biologics Program Effectiveness; Public Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting; request for comments.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following public meeting: Team Biologics Program Effectiveness. The Center for Biologics Evaluation and Research and the Office of Regulatory Affairs, FDA, are sponsoring an open public meeting to solicit views and comments in an effort to measure the effectiveness of the Team Biologics

Program as it relates to the inspections of manufacturers of vaccines, allergenics, fractionated plasma products, licensed in vitro diagnostics, and therapeutic products. The goal of the public meeting is to give stakeholders the opportunity to provide input on how they think the agency should measure the effectiveness of the Team Biologics Program. We will use the information obtained to identify criteria to prospectively evaluate the Team Biologics Program.

DATES: The public meeting will be held on Wednesday, May 21, 2003, from 8 a.m. to 12 noon.

Submit requests via fax or e-mail by May 1, 2003, to make an oral presentation. Submit a copy of all presentation materials by May 15, 2003. If you are not making an oral presentation, submit registration information by May 12, 2003.

Submit written or electronic comments by June 10, 2003.

ADDRESSES: The public meeting will be held at the Parklawn Bldg., conference room D, 5600 Fishers Lane, Rockville, MD 20857.

Submit requests to make an oral presentation, registration information, and any presentation material to Melanie Whelan (*see FOR FURTHER INFORMATION CONTACT*). The requested registration information is listed in section II of this document.

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: Melanie N. Whelan, Center for Biologics Evaluation and Research (HFM-43), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852-1448, 301-827-2000, FAX 301-827-3079, or e-mail: Whelan@cber.fda.gov.

SUPPLEMENTARY INFORMATION:

I. Scope of Public Meeting

FDA is seeking input on ways to evaluate the Team Biologics Program. The Team Biologics Program, established in 1997, is a partnership between FDA's Center for Biologics Evaluation and Research and the Office of Regulatory Affairs, which uses the diverse skills and knowledge of both organizations to focus resources on inspectional and compliance issues in the biologics area. Comments are sought at this public meeting about specific methods, tools, criteria, and metrics that could be used in this effort. In presentations we ask that you

specifically address criteria that FDA may consider in assessing the following areas:

1. Industry compliance with applicable laws and regulations,
2. The consistency of our inspection and compliance activities,
3. The effects of our inspection and compliance activities on product quality, and
4. The impact of our approach on public health.

II. Registration and Requests for Oral Presentations

You must preregister by May 1, 2003, if you would like to make an oral presentation. Please send your name, title, affiliation, street address, e-mail address, and telephone and fax numbers, along with a short description of the topics you wish to address, to Melanie Whelan. Due to the time constraints of this meeting, only 15 oral presentation requests can be accepted, and each presentation will be limited to 10 minutes. Each person who submits a request will receive a response by May 6, 2003, stating whether they have been included in the program. Please submit a copy of all presentation materials to Melanie Whelan by May 15, 2003.

We encourage early registration because seating is limited to the first 100 registrants. Registration closes on Monday, May 12, 2003. Please send your name and affiliation to Melanie Whelan. You will receive confirmation of your registration. There is no registration fee.

If you need special accommodations due to a disability, please contact Melanie Whelan at least 7 days in advance.

III. Request for Comments

The agency has established a docket to receive any ideas regarding the Team Biologics Program. Regardless of attendance at the public meeting, interested persons may submit to the Dockets Management Branch (see **ADDRESSES**) written or electronic comments. Submit a single copy of electronic comments or two copies of any mailed comments, except that individuals may submit one paper 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.

IV. Transcripts

Transcripts of the meeting may be requested in writing from the Freedom of Information Office (HFI-35), Food and Drug Administration, rm. 12A-16,

5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting at a cost of 10 cents per page. The transcript of the public meeting will be available for review at the Dockets Management Branch and on the Internet at <http://www.fda.gov/ohrms/dockets>. The transcript will also be placed on the Internet at <http://www.fda.gov/cber/minutes/workshop-min.htm>.

Dated: April 8, 2003.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 03-9063 Filed 4-11-03; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Vaccines and Related Biological Products Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). At least one portion of the meeting will be closed to the public.

Name of Committee: Vaccines and Related Biological Products Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on May 8, 2003, from 1:30 p.m. to 4 p.m.

Location: Food and Drug Administration, 29 Lincoln Dr., bldg. 29B, conference room A, Bethesda, MD. This meeting will be held by a telephone conference call. The public is welcome to attend the open session of the meeting at the specified location.

Contact Person: Jody G. Sachs or Denise H. Royster, Food and Drug Administration, Center for Biologics Evaluation and Research (HFM-71), 301 827-0314, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area), code 12391. Please call the Information Line for up-to-date information on this meeting.

Agenda: The committee will review and discuss the intramural research programs of the Laboratory of Mycobacterial Diseases & Cellular Immunology and the Laboratory of

Method Development, in the Office of Vaccines Research and Review.

Procedure: On May 8, 2003, from 1:30 p.m. to 3:30 p.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by April 25, 2003. Oral presentations from the public will be scheduled between approximately 2:30 p.m. and 3:30 p.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before April 25, 2003, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Closed Committee Deliberations: On May 8, 2003, from 3:30 p.m. to 4 p.m., the meeting will be closed to permit discussion where disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)). The meeting will be closed to discuss personal information concerning individuals associated with the intramural laboratory research programs.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Jody G. Sachs or Denise H. Royster at least 7 days in advance of the meeting.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: April 7, 2003.

Linda Arey Skladany,

Associate Commissioner for External Relations.

[FR Doc. 03-9030 Filed 4-11-03; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Poison Control Program; Poison Control Centers Stabilization and Enhancement Grant Program, Financial Stabilization Supplemental Grants (PCCFS); Availability of Funds in the HRSA Preview; Withdrawal (CFDA Number 93.253)

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice; withdrawal.

SUMMARY: In the *Federal Register* notice of Friday, August 9, 2002, in Part VI "Availability of Funds Announced in the HRSA Preview" of FR Doc. 02-20021, on page 52087, the grant category beginning in the first column under the heading "Poison Control Centers Stabilization and Enhancement Grant Program, Financial Stabilization Supplemental Grants (PCCFS), CFDA Number 93.253," is withdrawn from competition due to the discovery of unanticipated complex issues that are not resolvable within a timeframe which would permit the awarding of these grants during fiscal year 2003.

FOR FURTHER INFORMATION: Carol A. Delany, Division of Children, Adolescent and Family Health, Maternal and Child Health Bureau, Health Resources and Services Administration, Room 18A-38, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857; telephone, (301) 443-5848.

Dated: April 7, 2003.

Elizabeth M. Duke,
Administrator.

[FR Doc. 03-8973 Filed 4-11-03; 8:45 am]

BILLING CODE 4165-15-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Federal Grant Use by the Ohio Department of Natural Resources

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent.

SUMMARY: This notice advises the public that the U.S. Fish and Wildlife Service (Service) intends to gather information to conduct a 30-day comment period to solicit public response for a National Environmental Policy Act (NEPA) decision on approval of two federal grant proposal renewals. The action to be evaluated is the continuation of two

grants funded under the comprehensive management plan (CMP) option and the cumulative effects of activities that are funded under the grants. The grants are awarded to the Ohio Department of Natural Resources (ODNR), Division of Wildlife (DOW).

The Service's categorical exclusion [516 DM 6, Appendix 1, Section 1.4.E(1)] applies to this action; however, the Service is seeking public comments in this instance in order to determine whether any exceptions to the categorical exclusion (516 DM 2, Appendix 2) may apply, especially for controversial environmental effects (2.3) or cumulative effects (2.5), thereby necessitating the development of an Environmental Assessment (EA). Primary focus for this review is to address statewide cumulative and secondary effects of activities conducted by the ODNR, DOW that are funded under Federal Aid in Wildlife Restoration Act (WR) Grant Number W-134-P and Federal Aid in Sport Fish Restoration Act (SFR) Grant Number F-69-P and administered by the Region 3 Federal Aid Division of the U.S. Fish and Wildlife Service. A secondary focus is to address the processes used by the ODNR, DOW to select and complete those activities. Each individual project, or group of projects, will continue to receive site specific NEPA review when it is submitted for funding. Therefore the scope of this review is broad and directed at impacts that may not be detected with individual projects along with consideration of the overall planning system utilized by Ohio. Comments on site specific projects are not within the scope of this review although comments regarding the affects of types of projects would be appropriate.

DATES: Written comments should be received on or before May 14, 2003.

Public Involvement: The public is invited to participate in the comment process. Locations for supporting reference information are provided under **SUPPLEMENTARY INFORMATION**. Written comments should be received within 30 days from the date of publication of this Notice of Intent. All comments received from individuals become part of the official public record. Requests for such comments will be handled in accordance with the Freedom of Information Act and the Council on Environmental Quality's NEPA regulations [40 CFR 1506.6(f)]. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that

we withhold their home address from the record, which we will honor to the extent allowable by law. If a respondent wishes us to withhold his/her name and/or address, this must be stated prominently at the beginning of the comment.

ADDRESSES: Comments should be addressed to: Michael Vanderford or Jon Parker, U.S. Fish and Wildlife Service, Division of Federal Aid, 1 Federal Drive, Fort Snelling, MN 55111-4056. Electronic mail comments may also be submitted within the comment period to: ohdnrgrants@fws.gov.

FOR FURTHER INFORMATION CONTACT: Jon Parker (Wildlife Restoration, Wildlife Conservation and Restoration) or Michael Vanderford (Sport Fish Restoration). U.S. Fish and Wildlife Service, Federal Aid Division, 1 Federal Drive, Fort Snelling, MN 55111; telephone: 612/713-5130.

SUPPLEMENTARY INFORMATION: These grants are subject to the requirements of the Sport Fish and Wildlife Restoration Acts, federal regulations (50 CFR part 80 and 43 CFR part 12) and the Service's Federal Aid Handbook. Administration of these grants uses a management system identified in the Grant Proposal consistent with a plan for fish, wildlife and habitat. This plan provides program direction in Ohio and types of activities that may constitute projects subject to an annual application for funds process. The comprehensive management system is described in the Grant Proposal which includes a description of the ODNR, DOW *strategic planning* process, its *operational planning* process and its control/evaluation process. Copies of the Grant Proposals for fish management and wildlife management are available at: <http://midwest.fws.gov/NEPA>. Hard copies of the supporting Strategic Plan, Tactical Plans, and the Comprehensive Management System (CMS) Handbook and addendum are available for review at: Ohio Division of Wildlife, Department of Natural Resources, Public Lobby Reception Desk, Building G, 1840 Belcher Drive, Columbus, Ohio (near Morse Road and Cleveland Avenue). It would be helpful if persons wishing to review these documents would contact Verdie Abel at 614/265-7020 ahead of time.

The Service may choose to analyze the impacts of the two federal grants separately because their intended purposes are different. The Service is using this notification as it considers approving continuation of the CMP option for the next six years. The intent of the notice is to obtain suggestions and additional information from other agencies and the public on the scope of

issues to be considered. Comments and participation in this comment process are solicited.

The ODNR, DOW has utilized SFR and WR funds since Congress enacted the programs in 1950 and 1937, respectively. This will be the third year that DOW will use Wildlife Conservation and Restoration (WCR) funds which Congress approved for a one-year period during the federal fiscal year beginning October 1, 2000. The public is requested to inform the Service of concerns regarding the ODNR, DOW management systems, their administration of the comprehensive management system grants in Ohio and the cumulative effects of activities funded under these federal grants.

The ODNR, DOW has administered its SFR and WR grant programs using the CMP option for the past 11 years. ODNR, DOW began administering the WCR grant program using the CMP option July 1, 2001. During the past 11 years, the ODNR, DOW conducted numerous public information and input processes, as well as Service review regarding its programs, including: The development and periodic revision of a Strategic Plan; development of tactical plans for fish, wildlife and habitat for Ohio; use of biennial work planning processes; program and management reviews; financial audits and periodic field reviews conducted jointly by ODNR, DOW and Service staff regarding implementation of the CMP.

Some projects that will be subject to NEPA review as part of the annual grant process will be conducted on lands that may be eligible for listing on the National Register of Historic Places. The National Historic Preservation Act and other laws require these properties and resources be identified and considered in project planning. The public is requested to inform the FWS of concerns about archeological sites, buildings and structures, historic events, sacred and traditional areas, and other historic preservation concerns.

Authority: 42 U.S.C. 4321-4347.

TJ Miller,

Acting Assistant Regional Director, Ecological Services, Region 3, Fort Snelling, MN.

[FR Doc. 03-8994 Filed 4-11-03; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Class III Gaming Procedures and Tribal Revenue Allocation Plans: Submission to OMB

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Bureau of Indian Affairs (BIA) is submitting two information collection requests for review and renewal by the Office of Information and Regulatory Affairs, OMB. The two collections are: Class III Gaming Procedures, 1076-0149, and Tribal Revenue Allocation Plans, 1076-0152.

DATES: Submit your comments and suggestions on or before May 14, 2003 to be assured of consideration.

ADDRESSES: Written comments should be sent directly to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Desk Officer for the Department of the Interior, 725 17th Street NW, Washington, DC 20503. Send a copy of your comments to: George Skibine, Bureau of Indian Affairs, Office of Indian Gaming Management, Mail Stop 4543-MIB, 1849 C Street, NW, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Interested persons may obtain copies of the information collection requests without charge by contacting George Skibine at 202-219-4066 or facsimile number 202-273-3153.

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 provides an opportunity for interested parties to comment on proposed information collection requests. We did not receive any comments during the request for comments period published December 13, 2002 (67 FR 76753). The Bureau of Indian Affairs, Office of Indian Gaming Management is proceeding with requesting an information collection clearance from OMB. Each request contains (1) type of review, (2) title, (3) summary of the collection, (4) respondents, (5) frequency of collection, (6) reporting and record keeping requirements. OMB has 60 days to act on this information request, but may act after 30 days of review; therefore, your comments will receive the greatest consideration the closer they are to the 30 day minimum review period.

Please note that we will not sponsor nor conduct, and you need not respond to, a request for information unless we

display the OMB control number and the expiration date.

Class III Gaming Procedures

Type of review: Extension of a currently approved collection.

Title: Class III Gaming Procedures 25 CFR 291.

Summary: The collection of information will ensure that the provisions of IGRA, the relevant provisions of State laws, Federal law and the trust obligations of the United States are met when Federally recognized tribes submit Class III procedures for review and approval by the Secretary of the Interior. Sections 291.4, 291.10, 291.12 and 291.15 of 25 CFR part 291 Class III Gaming Procedures, specifies the information collection requirement. An Indian tribe must ask the Secretary to issue Class III gaming procedures. The information to be collected includes: name of Tribe and State; tribal documents, State documents, regulatory schemes, the proposed procedures and other documents deemed necessary. Collection of this information is currently authorized under an approval by OMB (OMB Control Number 1076-0149). All information is collected when the tribe makes a request for Class III gaming procedures. Annual reporting and record keeping burden for this collection of information is estimated to occur one time on an annual basis. The estimated number of annual requests is 12 tribes seeking Class III gaming procedures. The estimated time to review instructions and complete each application is 320 hours. Thus, the total annual reporting and record keeping burden for this collection is estimated to be 3,840 hours.

Frequency of Collection: Annually.

Description of Respondents: Federally recognized tribes.

Total Respondents: 12.

Response Hours per Application: 320.

Total Annual Burden Hours: 3,840.

Tribal Revenue Allocation Plans

Type of review: Extension of a currently approved collection.

Title: Tribal Revenue Allocation Plans 25 CFR 290.

Summary: In order for Indian tribes to distribute net gaming revenues in the form of per capita payments, information is needed by the BIA to ensure that Tribal Revenue Allocation Plans include assurances that certain statutory requirements are met, a breakdown of the specific uses to which net gaming revenues will be allocated, eligibility requirements for participation, tax liability notification and the assurance of the protection and

preservation of the per capita share of minors and legal incompetents. Sections 290.12, 290.17, 290.24 and 290.26 of 25 CFR part 290, Tribal Revenue Allocation Plans, specifies the information collection requirement. An Indian tribe must ask the Secretary to approve a Tribal Revenue Allocation Plan. The information to be collected includes: name of Tribe, tribal documents, the allocation plan and other documents deemed necessary. Collection of this information is currently authorized under an approval by OMB (OMB Control Number 1076-0152). All information is collected when the tribe submits a Tribal Revenue Allocation Plan. Annual reporting and record keeping burden for this collection of information is estimated to average between 75-100 hours for approximately 20 respondents, including the time for reviewing instructions, researching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Thus, the total annual reporting and record keeping burden for this collection is estimated to be 1,500-2,000 hours. We are using the higher estimate for purposes of estimating the public burden.

Frequency of Collection: Annually.

Description of Respondents: Federally recognized tribes.

Total Respondents: 20.

Total Annual Responses: 100.

Total Annual Burden Hours: 2,000 hours.

Request for Comments

The Bureau of Indian Affairs solicits comments in order to:

- (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the bureau, including whether the information will have practical utility;
- (2) Evaluate the bureau'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 the information on those who are to respond.

Dated: April 4, 2003.

Aurene M. Martin,

Assistant Secretary—Indian Affairs.

[FR Doc. 03-9068 Filed 4-11-03; 8:45 am]

BILLING CODE 4310-4N-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT-912-03-1120-PG-24-1A]

Notice of Resource Advisory Council Meeting and Field Tour

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of Utah Resource Advisory Council (RAC) meeting.

SUMMARY: The purpose of this notice is to announce a Resource Advisory Council Meeting and field tour scheduled for May 1-2, 2003, Price, Utah.

The Bureau of Land Management's (BLM) Utah Statewide Resource Advisory Council (RAC) will be meeting at the Holiday Inn (located at 838 Westwood Blvd) on May 1, 2003, 9:30 a.m., for a field tour of the northern portion of the San Rafael Swell. Issues to be discussed will be Easter weekend status (camping, law enforcement, etc); tour of the Buckhorn Wash (partnership with Emery County, OHV route designation plan, and WSAs); and a tour of the Wedge Overlook (wildlife and T/E species).

On May 2, from 8 a.m. until 2:30 p.m., the Council will meet in the conference room at the Holiday Inn in Price. There will be reports from the RAC subgroups, a discussion on wild and scenic rivers, and an overview of the grazing regulations and policy changes.

A public comment period is scheduled from 2 p.m.-2:30 p.m. where members of the public may address the Council. Written comments may be mailed to the Bureau of Land Management at the address listed below.

All meetings are open to the public; however, transportation, lodging, and meals are the responsibility of the participating public.

FOR FURTHER INFORMATION CONTACT:

Sherry Foot, Special Programs Coordinator, Utah State Office, Bureau of Land Management, 324 South State Street, Salt Lake City, Utah, 84111; phone (801) 539-4195.

Dated: April 4, 2003.

Linda Colville,

Acting State Director.

[FR Doc. 03-9062 Filed 4-11-03; 8:45 am]

BILLING CODE 4310-55-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-989 (Final)]

Ball Bearings From China

Determination

On the basis of the record¹ developed in the subject investigation, the United States International Trade Commission (Commission) determines, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act), that an industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded, by reason of imports from China of certain ball bearings and parts thereof, provided for in subheadings 3926.90.45, 4016.93.00, 4016.93.10, 4016.93.50, 6909.19.50, 8431.20.00, 8431.39.00, 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.05, 8482.99.25, 8482.99.35, 8482.99.65, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.50.90, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.60.80, 8708.70.60, 8708.93.30, 8708.93.60, 8708.93.75, 8708.99.06, 8708.99.31, 8708.99.40, 8708.99.49, 8708.99.58, 8708.99.80, 8803.10.00, 8803.20.00, 8803.30.00, 8803.90.30, and 8803.90.90 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce (Commerce) to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted this investigation effective February 13, 2002, following receipt of a petition filed with the Commission and Commerce by the American Bearing Manufacturers Association, Washington, DC. The final phase of the investigation was scheduled by the Commission following notification of a preliminary determination by Commerce that imports of ball bearings from China were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of October 23, 2002 (67 FR 65142), as amended on December 2,

¹ The record is defined in sec. 207.2(f) of the Commission's rules of practice and procedure (19 CFR 207.2(f)).

2002 (67 FR 71588). The hearing was held in Washington, DC, on March 6, 2003, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on April 21, 2003. The views of the Commission are contained in USITC Publication 3593 (April 2003), entitled Ball Bearings from China: Investigation No. 731-TA-989 (Final).

By order of the Commission.

Issued: April 7, 2003.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 03-8967 Filed 4-11-03; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-491]

In the Matter of: Certain Display Controllers and Products Containing Same; Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 10, 2003, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Genesis Microchip (Delaware) Inc. of Alviso, California. A letter supplementing the complaint was filed on March 28, 2003. The complaint, as supplemented, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain display controllers and products containing same by reason of infringement of claims 13 and 15 of U.S. Patent No. 6,078,361, claims 19-22 of U.S. Patent No. 5,953,074, and claims 1 and 9 of U.S. Patent No. 6,177,922. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, at the conclusion of the investigation, issue a permanent exclusion order and a permanent cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m.

to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone 202-205-2000. Hearing impaired individuals are advised that information on this matter can be obtained 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 at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

FOR FURTHER INFORMATION CONTACT:

Anne Goalwin, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-205-2574.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2002).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on April 7, 2003, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain display controllers or products containing same by reason of infringement of claims 13 or 15 of U.S. Patent No. 6,078,361, claims 19, 20, 21, or 22 of U.S. Patent No. 5,953,074, or claims 1 or 9 of U.S. Patent No. 6,177,922, and whether an industry in the United States exists as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Genesis Microchip (Delaware) Inc., 2150 Gold Street, Alviso, California 94002.

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint is to be served: Media Reality Technologies, Inc., 107 Min Chuan East Road, Section 2, Taipei, Taiwan.

Media Reality Technologies, Inc., 767 North Mary Avenue, Sunnyvale, California 94086.

Trumpion Microelectronics, Inc., 11F, No. 17 Cheng-Teh Rd. Sec.1, Taipei City, Taiwan.

(c) Anne Goalwin, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Suite 401, Washington, DC 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Delbert R. Terrill, Jr. is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with § 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such responses will be considered by the Commission if received no later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and to authorize the administrative law judge and the Commission, without further notice to that respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against that respondent.

By order of the Commission.

Issued: April 8, 2003.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 03-8970 Filed 4-11-03; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731-TA-1014 and 1017 (Final)]

Polyvinyl Alcohol From China and Korea

AGENCY: International Trade Commission.

ACTION: Scheduling of the final phase of antidumping investigations.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping investigations Nos. 731-TA-1014 and 1017 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act) to determine whether 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 less-than-fair-value imports from China and Korea of polyvinyl alcohol, provided for in subheading 3905.30.00 of the Harmonized Tariff Schedule of the United States.¹

For further information concerning the conduct of this phase of these

¹ For purposes of these investigations, the Department of Commerce has defined the subject merchandise as all polyvinyl alcohol ("PVA") hydrolyzed in excess of 80 percent, whether or not mixed or diluted with commercial levels of defoamer or boric acid, except as noted below.

The following products are specifically excluded from the scope of these investigations:

- (1) PVA in fiber form.
- (2) PVA with hydrolysis less than 83 mole percent and certified not for use in the production of textiles.
- (3) PVA with hydrolysis greater than 85 percent and viscosity greater than or equal to 90 cps.
- (4) PVA with a hydrolysis greater than 85 percent, viscosity greater than or equal to 80 cps but less than 90 cps, certified for use in an ink jet application.
- (5) PVA for use in the manufacture of an excipient or as an excipient in the manufacture of film coating systems which are components of a drug or dietary supplement, and accompanied by an end-use certification.
- (6) PVA covalently bonded with cationic monomer uniformly present on all polymer chains in a concentration equal to or greater than one mole percent.
- (7) PVA covalently bonded with carboxylic acid uniformly present on all polymer chains in a concentration equal to or greater than two mole percent, certified for use in a paper application.
- (8) PVA covalently bonded with thiol uniformly present on all polymer chains, certified for use in emulsion polymerization of non-vinyl acetic material.
- (9) PVA covalently bonded with paraffin uniformly present on all polymer chains in a concentration equal to or greater than one mole percent.
- (10) PVA covalently bonded with silan uniformly present on all polymer chains certified for use in paper coating applications.
- (11) PVA covalently bonded with sulfonic acid uniformly present on all polymer chains in a concentration level equal to or greater than one mole percent.
- (12) PVA covalently bonded with acetoacetylate uniformly present on all polymer chains in a concentration level equal to or greater than one mole percent.
- (13) PVA covalently bonded with polyethylene oxide uniformly present on all polymer chains in a concentration level equal to or greater than one mole percent.
- (14) PVA covalently bonded with quaternary amine uniformly present on all polymer chains in a concentration level equal to or greater than one mole percent.

investigations, hearing procedures, 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 C (19 CFR part 207).

EFFECTIVE DATE: March 20, 2003.

FOR FURTHER INFORMATION CONTACT:

Debra Baker (202-205-3180), 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-ON-LINE) at <http://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—The final phase of these investigations is being scheduled as a result of affirmative preliminary determinations by the Department of Commerce that imports of polyvinyl alcohol from China and Korea are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. 1673b). The investigations were requested in a petition filed on September 5, 2002, by Celanese Chemicals, Ltd. of Dallas, TX and E.I. du Pont de Nemours & Co. of Wilmington, DE.

Participation in the investigations and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

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 the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on April 24, 2003, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on May 8, 2003, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before May 1, 2003. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on May 5, 2003, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.23 of the Commission's rules; the deadline for filing is May 1, 2003. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is May 15, 2003; witness testimony must be filed

no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations on or before May 15, 2003. On May 30, 2003, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before June 3, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. In addition, parties may submit comments concerning the Department of Commerce's final determinations on China and Korea only, on or before August 19, 2003. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 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 section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002).

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations 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 207.21 of the Commission's rules.

By order of the Commission.

Issued: April 7, 2003.

Marilyn R. Abbott,
Secretary to the Commission.

[FR Doc. 03-8968 Filed 4-11-03; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Meeting of the CJIS Advisory Policy Board

AGENCY: Federal Bureau of Investigation (FBI), Justice.

ACTION: Meeting notice.

SUMMARY: The purpose of this notice is to announce the meeting of the Criminal Justice Information Services (CJIS) Advisory Policy Board (APB). The CJIS APB is responsible for reviewing policy issues, uniform crime reports, and appropriate technical and operational issues related to the programs administered by the FBI's CJIS Division, and thereafter, make appropriate recommendations to the FBI Director. The programs administered by the FBI CJIS Division are: the Integrated Automated Fingerprint Identification System, the Interstate Identification Index, Law Enforcement Online, National Crime Information Center, the National Instant Criminal Background Check System, the National Incident-Based Reporting System, and Uniform Crime Reporting.

The meeting will be open to the public on a first-come, first-seated basis. Any member of the public wishing to file a written statement concerning the FBI's CJIS Division programs or wishing to address this session should notify the Designated Federal Employee, Mr. Roy G. Weise at (304) 625-2730, at least 24 hours prior to the start of the session.

The notification should contain the requester's name, corporate designation, and consumer affiliation or government designation along with a short statement describing the topic to be addressed and the time needed for the presentation. A requestor will ordinarily be allowed no more than 15 minutes to present a topic.

DATES: The APB will meet in open session from 9 a.m. until 5 p.m., on June 4-5, 2003.

ADDRESSES: The meeting will take place at the Renaissance Cleveland Hotel, 24 Public Square, Cleveland, Ohio, telephone (216) 696-5600.

FOR FURTHER INFORMATION CONTACT: Inquiries may be addressed to Mrs. Margery E. Broadwater, Management Analyst, Advisory Groups Management Unit, Programs Development Section, FBI CJIS Division, Module C3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306-0149, telephone (304) 625-2446, facsimile (304) 625-5090.

Dated: April 2, 2003.

Roy G. Weise,

Designated Federal Employee, Criminal Justice Information Services Division, Federal Bureau of Investigation.

[FR Doc. 03-9045 Filed 4-11-03; 8:45 am]

BILLING CODE 4410-02-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (03-041)]

NASA Advisory Council, Biological and Physical Research Advisory Committee, Commercial Advisory Subcommittee; 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 meeting of the NASA Advisory Council, Biological and Physical Research Advisory Committee, Commercial Advisory Subcommittee (CAS).

DATES: Monday, April 28, 2003, 9 a.m. to 5 p.m.

ADDRESSES: NASA Ames Research Center, Moffet Field, California, the CEE Conference Room 261, Building 213, in the Systems Engineering Division.

FOR FURTHER INFORMATION CONTACT: Ms. Candace Livingston, Code US, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358-0697.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. Advance notice of attendance to the Executive Secretary is requested. The agenda for the meeting will include the following topics:

- Introduction/Remarks
- Report from the Space Station Utilization Advisory Subcommittee
- Knowledge Mapping Activities
- Decision Rules
- Status of International Space Station Research Institute
- Legislative Issues/Research Re-planning Activities
- Commercial Participating in OBPR Strategic Road Mapping
- Committee Discussion
- Wrap-Up/Recommendations

Attendees will be requested to sign a register and 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; visa/greencard information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, phone); title/position of attendee. To expedite

admittance, attendees can provide identifying information in advance by contacting Ms. Shirley Berthold via e-mail at sberthold@mail.arc.nasa.gov or by telephone at (650) 604-1654.

Attendees will be escorted at all times.

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

June W. Edwards,

*Advisory Committee Management Officer,
National Aeronautics and Space
Administration.*

[FR Doc. 03-8991 Filed 4-11-03; 8:45 am]

BILLING CODE 7510-01-P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

DATES: Requests for copies must be received in writing on or before May 29, 2003. Once the appraisal of the records is completed, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums that contain additional information concerning the records covered by a proposed schedule. These, too, may be requested and will be provided once the appraisal is completed. Requesters will be given 30 days to submit comments.

ADDRESSES: To request a copy of any records schedule identified in this

notice, write to the Life Cycle Management Division (NWML), National Archives and Records Administration (NARA), 8601 Adelphi Road, College Park, MD 20740-6001. Requests also may be transmitted by FAX to 301-837-3698 or by e-mail to records.mgt@nara.gov. Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports should so indicate in their request.

FOR FURTHER INFORMATION CONTACT: Paul M. Wester, Jr., Director, Life Cycle Management Division (NWML), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. Telephone: 301-837-3120. E-mail: records.mgt@nara.gov.

SUPPLEMENTARY INFORMATION: Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval, using the Standard Form (SF) 115, Request for Records Disposition Authority. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

No Federal records are authorized for destruction without the approval of the Archivist of the United States. This approval is granted only after a thorough consideration of their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and whether or not they have historical or other value.

Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational unit(s) accumulating the records or indicates agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency. This notice provides the control number assigned to each schedule, the

total number of schedule items, and the number of temporary items (the records proposed for destruction). It also includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it too includes information about the records. Further information about the disposition process is available on request.

Schedules Pending

1. Department of Agriculture, Animal and Plant Health Inspection Service (N1-463-03-1, 4 items, 4 temporary items). User fee records, including forms and background documents. Also included are electronic copies of records created using electronic mail and word processing that are associated with all record series in the Fiscal Affairs category of the agency's records disposition schedule.

2. Department of the Air Force, Agency-wide (N1-AFU-03-4, 2 items, 2 temporary items). Duplicate copies of time and attendance sheets pertaining to Air Reserve Technicians. Also included are electronic copies of records created using electronic mail and word processing.

3. Department of the Air Force, Agency-wide (N1-AFU-03-5, 2 items, 2 temporary items). Biographical records on personnel used in public affairs programs. Records include information concerning individual service members such as name, current rank, marital status, and local address. Also included are electronic copies of records created using electronic mail and word processing.

4. Department of Defense, Defense Finance and Accounting Service (N1-507-02-1, 93 items, 93 temporary items). Records relating to payroll and other financial transactions, safety and hazardous materials, security, personnel, property, planning, publications and forms, Congressional inquiries, audiovisual activities, and various administrative matters. Included are such records as employee pay records, central procurement accounting system records, government purchase card records, safety program planning records, accident reports, records of fire prevention inspections, hazardous material management and training records, industrial hygiene and occupational health surveys, pollution prevention plans and data, reports on security investigations of personnel, audiovisual productions not relating to the agency's mission, and case files

pertaining to coordination of Department of Defense issuances. Also included are electronic copies of documents created using electronic mail and word processing.

5. Department of Defense, National Imagery and Mapping Agency (N1-537-03-9, 16 items, 16 temporary items). Records relating to the production of nautical charts and publications. Records pertain to such matters as the measurement and description of the physical features and attributes of bodies of water and their adjoining coastal areas and the preparation and evaluation of maritime safety information. Also included are electronic copies of records created using electronic mail and word processing. This schedule authorizes the agency to apply the proposed disposition instructions to any recordkeeping medium.

6. Department of Defense, National Imagery and Mapping Agency (N1-537-03-13, 11 items, 9 temporary items). Records relating to the general management and evolution of geospatial policy and arrangements, including such matters as classification decisions and security policy regarding the disclosure and release of geospatial data and products. Also included are electronic copies of records created using electronic mail and word processing. Records proposed for permanent retention include recordkeeping copies of files pertaining to international and interagency arrangements and to geospatial policy. This schedule authorizes the agency to apply the proposed disposition instructions to any recordkeeping medium.

7. Department of Defense, National Imagery and Mapping Agency (N1-537-03-14, 19 items, 19 temporary items). Distribution and storage files pertaining to maps, charts, and other cartographic products produced by the agency. Records relate to such subjects as inspections of stored items, stock levels, and requisitions. Also included are electronic copies of records created using electronic mail and word processing. This schedule authorizes the agency to apply the proposed disposition instructions to any recordkeeping medium.

8. Department of Health and Human Services, Food and Drug Administration (N1-88-03-3, 3 items, 3 temporary items). Case files relating to seizures and prosecutions involving agency-approved products. Included are such records as copies of labels, promotional materials, seizure and analytical reports, notices of hearings, and additional prosecution records. Also included are electronic

copies of records created using electronic mail and word processing.

9. Department of Homeland Security, Directorate of Border and Transportation Security (N1-563-03-1, 5 items, 2 temporary items). Inputs and outputs of an electronic system relating to immigration enforcement activities. The complete master file and a public use version are proposed for permanent retention along with the related system documentation.

10. Department of Justice, Justice Management Division (N1-60-03-2, 5 items, 4 temporary items). Input reports submitted by agency components and other supporting documentation created in connection with producing the agency's annual Performance and Accountability Report, which includes such materials as consolidated financial statements and the annual performance report required by the Government Performance and Results Act. Also included are electronic copies of documents created using electronic mail and word processing. Recordkeeping copies of the report are proposed for permanent retention.

11. Department of Justice, Drug Enforcement Administration (N1-170-03-4, 3 items, 3 temporary items). Records relating to the content and management of the agency's Web site, including electronic copies of records created using electronic mail and word processing.

12. Department of Labor, Officer of the Solicitor (N1-174-02-02, 62 items, 57 temporary items). Records relating to litigation, advice and opinions, and office administration. Included are such records as legal advice and opinion files and legislative case files lacking historical significance, copies of rulemaking records, recommendations to file appeals or amicus briefs, Freedom of Information Act reports, and electronic systems used to track office software and resource allocation for cases. Also included are electronic copies of records created using electronic mail and word processing. Proposed for permanent retention are recordkeeping copies of such records as significant advice and opinion files, significant litigation case files, directives, and speeches and congressional testimony.

13. Department of Transportation, Research and Special Programs Administration (N1-467-01-2, 20 items, 14 temporary items). Records of the Office of the Associate Administrator for Innovation, Research and Education, including such records as grant files, copies of publications, and web site records. Also included are electronic copies of records created

using word processing and electronic mail. Recordkeeping copies of research reports from institutions receiving grants, committee records, and publications are proposed for permanent retention.

14. Small Business Administration, Office of Business Development (N1-309-03-04, 12 items, 10 temporary items). Inputs, outputs, and back up files of an electronic records system used for monitoring the status of small businesses owned by economically and socially disadvantaged individuals. Also included are electronic copies of documents created using electronic mail and word processing. Master files and system documentation are proposed as permanent.

Dated: April 7, 2003.

Michael J. Kurtz,

*Assistant Archivist for Record Services—
Washington, DC.*

[FR Doc. 03-8974 Filed 4-11-03; 8:45 am]

BILLING CODE 7515-01-P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Geosciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting.

Name: Advisory Committee for Geosciences (1755).

Dates: April 30–May 2, 2003.

Time: Noon–5:30 p.m. Wednesday, April 30, 2003, 8:30 a.m.–5:30 p.m. Thursday, May 1, 2003, 8:30 a.m.–noon Friday, May 2, 2003.

Place: National Science Foundation, 4201 Wilson Boulevard, Suite 375, Arlington, VA 22230.

Type of Meeting: Open.

Contact Person: Dr. Thomas Spence, Directorate for Geosciences, National Science Foundation, Suite 705, 4201 Wilson Boulevard, Arlington, Virginia 22230, Phone 703-292-8500.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice, recommendations, and oversight concerning support for research, education, and human resources development in the geosciences.

Agenda:

Day 1: Education and Diversity Subcommittee Meeting; Directorate activities and plans.

Day 2: Division Subcommittee Meetings; Directorate initiatives. Cross-directorate programs;

Day 3: Observational activities; Communications.

Dated: April 8, 2003.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 03-8990 Filed 4-11-03; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 30-35594-CivP (EA 02-072), ASLBP No. 03-811-02-CivP]

Advanced Medical Imaging and Nuclear Services; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the FR, 37 FR 28,710 (1972), and §§ 2.205, 2.700, 2.702, 2.714, 2.714a, 2.717, 2.721, and 2.772(j) of the Commission's regulations, all as amended, an Atomic Safety and Licensing Board is being established to preside over the following proceeding:

Advanced Medical Imaging and Nuclear Services, Easton, Pennsylvania; Order Imposing Civil Monetary Penalty.

This Board is being established pursuant to the request of Advanced Medical Imaging and Nuclear Services, for a hearing regarding an order issued by the NRC staff, dated February 19, 2003, entitled "Order Imposing Civil Monetary Penalty" (68 FR 10,040 (Mar. 3, 2003)).

The Board is comprised of the following administrative judges:

Thomas S. Moore, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Dr. Charles N. Kelber, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Dr. Peter S. Lam, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

All correspondence, documents and other materials shall be filed with the Panel Judges in accordance with 10 CFR 2.701.

Issued at Rockville, Maryland, this 8th day of April 2003.

G. Paul Bollwerk, III,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 03-9025 Filed 4-11-03; 8:45 am]

BILLING CODE 7590-01-U

OFFICE OF PERSONNEL MANAGEMENT

Submission for OMB Review; Comment Request for Reclearance of an Information Collection: SF 2817

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) will submit to the Office of Management and Budget (OMB) a request for review of an information collection. SF 2817, Life Insurance Election, is used by Federal employees and assignees (those who have acquired control of an employee/annuitant's coverage through an assignment or "transfer" of the ownership of the life insurance). Clearance of this form for use by active Federal employees is not required according to the Paperwork Reduction Act (Pub. L. 98-615). The Public Burden Statement meets the requirements of 5 CFR 1320.8(b)(3). Therefore, only the use of this form by assignees, *i.e.*, members of the public, is subject to the Paperwork Reduction Act.

Approximately 100 forms are completed annually by assignees. Each form takes approximately 15 minutes to complete. The annual estimated burden is 25 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606-8358, FAX (202) 418-3251 or via E-mail to mbtoomey@opm.gov. Please include a mailing address with your request.

DATES: Comments on this proposal should be received on or before May 14, 2003.

ADDRESSES: Send or deliver comments to—

Christopher N. Meuchner, Program Planning & Evaluation Group, Center for Retirement and Insurance Services, U.S. Office of Personnel Management, 1900 E Street, NW., Room 3425, Washington, DC 20415-3660

and
Stuart Shapiro, OPM Desk Officer, Office of Information & Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., Room 10235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Cyrus S. Benson, Team Leader, Desktop Publishing and Printing Team, Center for Retirement and Insurance Services, (202) 606-0623.

Office of Personnel Management.

Kay Coles James,

Director.

[FR Doc. 03-9023 Filed 4-11-03; 8:45 am]

BILLING CODE 6325-50-U

RAILROAD RETIREMENT BOARD

Proposed Data Collection Available for Public Comment and Recommendations

SUMMARY: In accordance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and purpose of information collection:

Employer's Deemed Service Month Questionnaire; OMB 3220-0156.

Section 3(i) of the Railroad Retirement Act (RRA), as amended by Pub. L. 98-76, provides that the Railroad Retirement Board (RRB), under certain circumstances, may deem additional months of service in cases where an employee does not actually work in every month of the year, provided the employee satisfies certain eligibility requirements, including the existence of an employment relation between the employee and his or her employer. The procedures pertaining to the deeming of additional months of service are found in the RRB's regulations at 20 CFR part 210, Creditable Railroad Service.

The RRB utilizes Form GL-99, Employers Deemed Service Month Questionnaire, to obtain service and compensation information from railroad employers needed to determine if an employee can be credited with additional deemed months of railroad service. Completion is mandatory. One response is required for each RRB inquiry.

The RRB proposes minor non-burden impacting changes to Form GL-99. The completion time for Form GL-99 is

estimated at 2 minutes per response. The RRB estimates that approximately 4,000 responses are received annually.

ADDITIONAL INFORMATION OR COMMENTS: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751-3363. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 N. Rush Street, Chicago, Illinois 60611-2092. Written comments should be received within 60 days of this notice.

Chuck Mierzwa.

Clearance Officer.

[FR Doc. 03-8993 Filed 4-11-03; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-47643; File No. SR-Amex-2000-49]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval to Proposed Rule Change by the American Stock Exchange LLC to Permanently Approve Its Pilot Program Relating to Facilitation Cross Transactions

April 7, 2003

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on August 22, 2000, the American Stock Exchange LLC ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change to revise and permanently approve its pilot program relating to facilitation cross transactions. On August 29, 2000, October 15, 2002, and January 29, 2003, respectively, the Amex filed Amendment Nos. 1, 2, and 3 to the proposed rule change.³ On March 18, 2003, the Amex filed Amendment No. 4 to the proposed rule change, in which the Exchange replaced the original proposal and previous amendments with a proposal to permanently adopt the pilot program in

its present form, and added a clarification concerning specialist participation in facilitation transactions.⁴ The proposed rule change, as amended by Amendment No. 4, is described in Items I and II below, which Items have been prepared by the Exchange. On April 1, 2003, the Amex filed Amendment No. 5 to the proposed rule change, requesting that the Commission accelerate approval of the proposal.⁵ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons, and is granting accelerated approval of the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to permanently approve its pilot program relating to facilitation cross transactions, with an added clarification concerning specialist participation in such transactions. The text of the proposed rule change is set forth below. Additions are italicized; deletions are in brackets.

* * * * *

Rule 950—Rules of General Applicability

(a)–(c) No change.

(d) The provisions of Rule 126, with the exception of subparagraphs (a) and (b) thereof, shall apply to Exchange options transactions and the following additional commentary shall also apply.

* * * Commentary

.01 No change.

.02 A member who holds both an order for a public customer of a member organization and a facilitation order may cross such orders if:

(a)–(c) No change.

(d)(1) notwithstanding paragraph (c) above, a member firm seeking to facilitate its own public customer's equity option order for the eligible order size will be permitted to participate in the firm's proprietary account as the contra-side of that order to the extent of the percentages set forth below:

(i) 20% of the order if the order is traded at the best bid or offer given by the trading

crowd in response to a floor broker's request for a market; or

(ii) 40% of the order if the member firm improves the market that was provided by the trading crowd in response to a floor broker's request and the order is traded at that best bid or offer.

If, however, a public customer order on the specialist's book or represented in the trading crowd has priority over the facilitation order, the member firm may participate in only those contracts remaining after the public customer's order has been filled.

(2) No change.

(3) if a facilitation transaction pursuant to this subparagraph (d) occurs at the specialist's bid or offer, [then] *the specialist shall be allocated the greater of either (i) 20% of the executed contracts if the facilitating member firm, pursuant to subparagraph (d)(1)(i), has participated to the extent of 20% of the executed contracts; or (ii) a share of the executed contracts that have been divided equally among the specialist and other participants to the trade.* T[t]he specialist's participation allocation [pursuant to trading floor practices,] shall only apply to the number of contracts remaining after all public customer orders and the member firm's facilitation order have been satisfied. However, the total number of contracts guaranteed to be allocated to the member firm and the specialist in the aggregate shall not exceed 40% of the facilitation transaction. If the facilitation transaction occurs at a price at which the specialist is not on parity, the specialist is entitled to no guaranteed participation allocation.

(4) No change.

.03–.07 No change.

* * * * *

(4) No change.
.03–.07 No change.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Amex 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 III below. The Amex has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to permanently approve its pilot program

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See letter from Claire P. McGrath, Vice President and Special Counsel, Amex, to Nancy Sanow, Assistant Director, Division of Market Regulation ("Division"), Commission, dated August 28, 2000, and letters from Claire P. McGrath, Senior Vice President and Deputy General Counsel, Amex, to Elizabeth King, Associate Director, Division, Commission, dated October 14, 2002, and January 28, 2003.

⁴ See letter from Claire P. McGrath, Senior Vice President and Deputy General Counsel, Amex, to Elizabeth King, Associate Director, Division, Commission, dated March 17, 2003. The proposed rule change, as originally filed, and Amendment Nos. 1, 2, and 3 contained significant proposed revisions to the pilot program that the Exchange in Amendment No. 4 determined to delete.

⁵ See letter from Claire P. McGrath, Senior Vice President and Deputy General Counsel, Amex, to Elizabeth King, Associate Director, Division, Commission, dated March 31, 2003.

relating to facilitation cross transactions, with an added clarification concerning specialist participation in such transactions. The pilot program was initially approved by the Commission on June 2, 2000, was most recently extended on January 10, 2003, and is due to expire on April 7, 2003.⁶

Commentary .02(d) to Amex Rule 950(d) established a pilot program to allow facilitation cross transactions in equity options.⁷ The pilot program entitles a floor broker, under certain conditions, to cross a specified percentage of a customer order with an order for the member firm's proprietary account before specialists and/or registered options traders in the crowd can participate in the transaction. The provision generally applies to orders of 400 contracts or more. However, the Exchange is permitted to establish smaller eligible order sizes, on a class-by-class basis, provided that the eligible order size is not for fewer than 50 contracts.

The amount of the guaranteed participation percentage depends upon a comparison of the original market quoted by the trading crowd in response to a request from the floor broker and the price at which the orders are traded. If the order is traded at the best bid or offer provided by the trading crowd in response to the floor broker's initial request for a market, then the floor broker is entitled to cross 20% of the order. If the order is traded at a price that improves the market provided by the trading crowd (*i.e.*, at a price between the best bid and offer) in response to the floor broker's initial request for a market, then the floor broker is entitled to cross 40% of the order. In addition, the facilitating member firm may only participate in the executed contracts after public customer orders on the specialist's book or represented by a floor broker in the crowd have been filled.

In addition to its proposal to adopt the pilot program permanently, the Exchange proposes to revise subparagraph (d)(3) of Commentary .02

to Amex Rule 950(d) to clarify the participation of the specialist in executed contracts allocated after all public customer orders and the member firm's facilitation order have been satisfied.⁸ Subparagraph (d)(3) would provide that the specialist shall be allocated the greater of either: (i) 20% of the executed contracts if the facilitating member firm, pursuant to the subparagraph (d)(1)(i) of Commentary .02, has participated to the extent of 20% of the executed contracts; or (ii) a share of the executed contracts that have been divided equally among the specialist and other participants to the trade.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act⁹ in general, and furthers the objectives of Section 6(b)(5) of the Act¹⁰ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and is not designed to permit unfair discrimination between customers, issuers, brokers or dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Copies of the submission, all subsequent

amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR-Amex-2000-49 and should be submitted by May 5, 2003.

IV. Commission Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.¹¹ In its approval of the pilot program,¹² the Commission detailed its reasons for finding the program's substantive features consistent with the Act, and, in particular, the requirements of Sections 6(b)(5) and 6(b)(8) of the Act.¹³ The Commission has previously approved rules on other exchanges that establish substantially similar programs on a permanent basis,¹⁴ and the establishment of the pilot as a permanent program on the Amex raises no new regulatory issues for consideration by the Commission.

The Commission notes that, in approving member firms participation rights and other guaranteed participations in the past, it has found that rules entitling a market participant(s) to up to 40% of an order are not inconsistent with the statutory standards of competition and free and open markets.¹⁵ The Commission has raised concerns, on the other hand, about participation guarantees that "lock up" a larger percentage of an order, and thereby reduce the number of

⁶ See Securities Exchange Act Release Nos. 42894 (June 2, 2000), 65 FR 36850 (June 12, 2000); 43229 (August 30, 2000), 65 FR 54572 (September 8, 2000); 44019 (February 28, 2001), 66 FR 13819 (March 7, 2001); 44538 (July 11, 2001), 66 FR 37507 (July 18, 2001); 44924 (October 11, 2001), 66 FR 53456 (October 22, 2001); 45241 (January 7, 2002), 67 FR 1524 (January 11, 2002); 45703 (April 8, 2002), 67 FR 18272 (April 15, 2002); 46176 (July 9, 2002), 67 FR 47007 (July 17, 2002); 46630 (October 9, 2002), 67 FR 64425 (October 18, 2002); and 47153 (January 10, 2003), 68 FR 2378 (January 16, 2003).

⁷ Facilitation cross transactions occur when a floor broker representing the order of a public customer of a member firm crosses that order with a contra side order from the firm's proprietary account.

⁸ In addition to the clarification provided by the proposed rule change, subparagraph (d)(3) would continue to include the general statement that if the facilitation transaction occurred at the specialist's bid or offer, the total number of contracts guaranteed to the member firm and the specialist in the aggregate could not exceed 40% of the facilitation transaction. If the facilitation transaction occurred at a price at which the specialist was not on parity, the specialist would be entitled to no guaranteed participation allocation.

⁹ 15 U.S.C. 78f(b).

¹⁰ 15 U.S.C. 78f(b)(5).

¹¹ In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

¹² See *supra*, note 6.

¹³ 15 U.S.C. 78f(b)(5) and (b)(8).

¹⁴ See, e.g., Securities Exchange Act Release Nos. 42835 (May 26, 2000), 65 FR 35683 (June 5, 2000), and 42848 (May 26, 2000), 65 FR 36206 (June 7, 2000).

¹⁵ See, e.g., Securities Exchange Act Release Nos. 42455 (February 24, 2000), 65 FR 11388 (March 2, 2000); 42894 (June 2, 2000), 65 FR 36850 (June 12, 2000); 42835 (May 26, 2000), 65 FR 35683 (June 5, 2000); 42848 (May 26, 2000), 65 FR 36206 (June 7, 2000).

contracts for which the trading crowd can compete.¹⁶ The Amex facilitation program guarantees an allocation of no more than 40% of an order to a member firm seeking to facilitate an order. Moreover, the Amex rule includes a provision that limits the number of contracts to be allocated to the facilitating firm and the specialist in the aggregate to no more than 40% of the order. The rule for which the Amex seeks permanent approval is consistent with the Commission's position with respect to participation guarantees.

The language that the Amex proposes to add to the rule would clarify that, if the facilitating firm has participated in the 20% of the contracts to which it is entitled when the order is traded at the best bid or offer provided by the trading crowd in response to the floor broker's initial request for a market, the specialist would be allocated either the greater of 20% of the executed contracts or a share of the executed contracts that have been divided equally among the specialist and other participants in the trade. This provision is consistent with the Commission's position regarding participation guarantees and comports with the Commission's understanding of how the Amex rule was to be applied when the Commission approved the rule on a pilot basis.

As noted above, the Exchange has requested that the Commission grant accelerated approval to the proposed rule change. The Exchange states that the pilot program has been in effect for almost three years without incident and that substantially similar rules are in place at the Chicago Board Options Exchange, the Pacific Exchange, and the International Securities Exchange.¹⁷ The Exchange adds that accelerated approval would obviate the need to extend the pilot program beyond its current expiration date of April 7, 2003.

The Commission finds good cause, consistent with Sections 6(b) and 19(b)(2) of the Act, for approving the proposed rule change prior to the thirtieth day after the date of publication of the notice of filing thereof in the **Federal Register**. The proposal raises no new regulatory issue and will make permanent a pilot program that comports with the facilitation cross rules of other exchanges.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (SR-Amex-2000-49), as amended, be, and hereby is, approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁸

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03-8997 Filed 4-11-03; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-47648; File No. SR-NASD-2003-53]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the National Association of Securities Dealers, Inc. To Modify Nasdaq Test Facility Pricing Under Rule 7050 for NASD Members

April 8, 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 March 24, 2003, the National Association of Securities Dealers, Inc. ("NASD"), through its subsidiary, The Nasdaq Stock Market, Inc. ("Nasdaq"), filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by Nasdaq. Nasdaq has designated this proposal as one establishing or changing a due, fee or other charge imposed by the self-regulatory organization under section 19(b)(3)(A)(ii) of the Act³ and Rule 19b-4(f)(2) thereunder,⁴ which renders the proposed rule change 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

Nasdaq proposes to modify Nasdaq Test Facility pricing under Rule 7050 for NASD members.⁵ Nasdaq will implement the proposed rule change on April 1, 2003. The text of the proposed rule change is below. Proposed new language is in *italics*; proposed deletions are in [brackets].

* * * * *

¹⁸ 17 CFR 200.30-3(a)(12).

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).

⁵ Nasdaq is also submitting a proposed rule change to establish an identical fee for non-members. See SR-NASD-2003-54.

7050. Other Services

(a) No change.

(b) No change.

(c) No change.

(d) Nasdaq Testing Facility [(NTF)]

(1) Subscribers that conduct tests of their computer-to-computer interface (CTCI), NWII application programming interface (API), or market data vendor feeds through the Nasdaq Testing Facility (NTF) [of The Nasdaq Stock Market, Inc. (Nasdaq)] shall pay the following charges:

\$285/hour—For an *Active Connection* for CTCI/NWII API testing [between 9 a.m. and 5 p.m. E.T. on business days] during the normal operating hours of the NTF;

\$75/hour—For an *Idle Connection* for CTCI/NWII API testing during the normal operating hours of the NTF, unless such an *Idle Connection* is over a dedicated circuit;

No charge—For an *Idle Connection* for CTCI/NWII API testing if such an *Idle Connection* is over a dedicated circuit during the normal operating hours of the NTF;

\$333/hour—For CTCI/NWII API testing (for both *Active* and *Idle Connections*) at all [other] times other than the normal operating hours of the NTF [on business days, or on weekends and holidays].

(2)(A) An "*Active Connection*" commences when the user begins to send and/or receive a transaction to and from the NTF and continues until the earlier of disconnection or the commencement of an *Idle Connection*.

(B) An "*Idle Connection*" commences after a *Period of Inactivity* and continues until the earlier of disconnection or the commencement of an *Active Connection*. If a *Period of Inactivity* occurs immediately after subscriber's connection to the NTF is established and is then immediately followed by an *Idle Connection*, then such *Period of Inactivity* shall also be deemed a part of the *Idle Connection*.

(C) A "*Period of Inactivity*" is an uninterrupted period of time of specified length when the connection is open but the NTF is not receiving from or sending to subscriber any transactions. The length of the *Period of Inactivity* shall be such period of time between 5 minutes and 10 minutes in length as Nasdaq may specify from time to time by giving notice to users of the NTF.

(3) The foregoing hourly fees shall not apply to market data vendor feed testing, or testing occasioned by:

(A) new or enhanced services and/or software provided by Nasdaq[,] or

¹⁶ See, e.g., Securities Exchange Act Release No. 43100 (July 31, 2000), 65 FR 48778 (August 9, 2000).

¹⁷ See Amendment No. 5.

(B) modifications to software and/or services initiated by Nasdaq in response to a contingency[.]; or

(C) testing by a subscriber of a Nasdaq service that the subscriber has not used previously, except if more than 30 days

have elapsed since the subscriber commenced the testing of such Nasdaq service.

[[3]4] Subscribers that conduct CTCL/ API or market data vendor feed tests using a dedicated circuit shall pay a

monthly fee, in addition to any applicable hourly fee described in section (d)(1) above, in accordance with the following schedule:

Service	Description	[Proposed] price
NTF Market Data	Test Market Data Vendor Feeds over a 56kb dedicated circuit ...	\$1,100/circuit/month.
NTF NWII API	NWII API service to an onsite test SDP over a 56kb dedicated circuit.	\$1,100/circuit/month.
NTF CTCL	CTCL service over a 56kb dedicated circuit	\$1,100/circuit/month.
NTF Test Suite	NWII API service and CTCL service over two 56kb circuits (128 kb).	\$1,800/2 circuits/month.
NTF Circuit Installation	Installation of any service option including SDP configuration	\$700/circuit/installation.

[[4]5] New NTF subscribers that sign a one-year agreement for dedicated testing service shall be eligible to receive 90-calendar days free dedicated testing service.

[[5]6] "New NTF subscribers" are subscribers that

(A) have never had dedicated testing service; or

(B) have not had dedicated testing service within the last 6 calendar months.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq 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. Nasdaq has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed rule change seeks to make certain modifications to the pricing of testing services provided through the Nasdaq Test Facility ("NTF"). The objectives of the pricing changes are to reduce barriers to entry for new Nasdaq subscribers and to address feedback from subscribers regarding current test fees. In some instances, the current charges are not cost efficient for subscribers, and as a consequence, firms may choose not to test through NTF or elect not to connect to Nasdaq's systems at all. The proposed rule change seeks to encourage

subscribers to make greater use of Nasdaq services.

The proposed rule distinguishes between active and idle connections to the NTF. An active connection is in effect while transactions are actually being transmitted and for a brief period of inactivity thereafter. The existing hourly rate (\$285 per hour) remains unchanged with respect to the times when the connection is active during the NTF's normal operating hours. However, if no transactions are being transmitted over an open connection, then, after a certain period of inactivity, that connection would be deemed idle and a newly established lower rate (\$75 per hour) will apply. Initially, the period during which a connection needs to remain inactive before it will be deemed idle will be 10 minutes. However, Nasdaq reserves the right to adjust this time within a range of 5 to 10 minutes by giving notice of the change to NTF subscribers. The idle connection rate will not apply outside of NTF's normal operating hours, when the existing rate (\$333 per hour) remains unchanged for both active and idle connections.

The proposed rule also eliminates idle connection charges during the NTF's normal operating hours for NTF subscribers with dedicated circuit connections and waives hourly charges during the times over an initial 30-day period when a subscriber is using NTF to test a Nasdaq service that the subscriber has not used previously.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of section 15A of the Act,⁶ including section 15A(b)(5) of the Act,⁷ which requires that the rules of the NASD 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 the NASD operates or controls. By adopting a pricing structure that is responsive to subscriber needs and market demands, the proposed rule supports efficient use of existing systems and ensures that the charges associated with such use are allocated equitably.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq 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.

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 has become immediately effective pursuant to section 19(b)(3)(A)(ii) of the Act,⁸ and subparagraph (f)(2) of Rule 19b-4 thereunder,⁹ in that it establishes or changes a due, fee, or other charge imposed by the self-regulatory organization. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing,

⁶ 15 U.S.C. 78o-3.

⁷ 15 U.S.C. 78o-3(b)(5).

⁸ 15 U.S.C. 78s(b)(3)(A)(ii).

⁹ 17 CFR 240.19b-4(f)(2).

including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR-NASD-2003-53 and should be submitted by May 5, 2003.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁰

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 03-9036 Filed 4-11-03; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-47645; File No. SR-NASD-2003-58]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by the National Association of Securities Dealers, Inc. Eliminating Certain Eligibility Requirements for Participating in the Primex Auction System as a Primex Auction System Market Maker

April 8, 2003.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and rule 19b-4² thereunder, notice is hereby given that on March 27, 2003, the National Association of Securities Dealers, Inc. ("NASD"), through its subsidiary, the Nasdaq Stock Market, Inc. ("Nasdaq"), submitted to the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Nasdaq. 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

Nasdaq is filing this proposed rule change in order to eliminate the requirement that Primex Auction System Market Makers ("PAMMs") submit a minimum percentage of certain orders to the Primex Auction System ("Primex" or "System") in order to retain their status as PAMMs.

The text of the proposed rule change appears below. Proposed new language is underlined; proposed deletions are in brackets.

5010. NASDAQ Application of the Primex Auction System

5011. Definitions

For purposes of this Rule Series, unless the context requires otherwise:

* * * * *

(a) ["Mandatory Eligible Order" means a public customer order, as more fully defined in rule 5020, that a Primex Auction Market Maker must submit to the System for exposure in order for the Primex Auction Market Maker to maintain its status as such, subject to any exclusions or minimum permissible amount provided therein.] *Reserved.*

* * * * *

5020. Market Maker Participation³

(a) No Changes.

(b) With respect to each security in which a Participant is registered as a Primex Auction Market Maker, the Participant shall:

(1) if the security is a Nasdaq-listed security, be registered as a Nasdaq market maker (1) if the security is a Nasdaq-listed security, be registered as a Nasdaq market maker in such security (or become so registered), and at all times comply with all applicable NASD rules and interpretations relating to Nasdaq market makers, including the requirement to enter and maintain two-sided quotations in Nasdaq for such security, subject to the excused withdrawal procedures set forth in Rule 4619;

(2) if the security is an ITS/CAES eligible security, be registered as an ITS/CAES Market Maker (or become so registered) in such security, and at all times comply with all applicable NASD

³ The rule text provided herein includes corrections of typographical errors from the rule text that Nasdaq submitted in Exhibit 1 of the proposed rule change. Telephone conversation between Peter R. Geraghty, Associate Vice President and Associate General Counsel, Office of General Counsel, Nasdaq, and Tim Fox, Attorney, Division of Market Regulation, Commission on April 7, 2003.

rules and interpretations relating to ITS/CAES Market Makers, including the requirement to enter and maintain two-sided quotations in CQS for such security, subject to the excused withdrawal procedures set forth in Rule 6350; and

(3) submit to the Application a minimum of 80%* of the number of its Mandatory Eligible Orders (including customer orders of another broker-dealer that has directed such orders to the Participant) as soon as practicable upon receipt by the Participant, for the purpose of exposing such orders to the Primex Crowd. Mandatory Eligible Orders do not include:

(A) Any customer order that is greater than 1099 shares at origination, except that nothing in these rules prohibits a Participant from submitting orders of greater size at any time;

(B) Any customer order that, when initially received by the Participant, is a Fixed Price Order with a specified price that is not eligible for acceptance by the Application because it is priced outside the NBBO and is not otherwise marketable pursuant to Rule 5013(a)(2), regardless of whether or not the order

* The 80% test will be applied on a quarterly basis, and will be phased in as follows: For the calendar quarters commencing on October 1, 2001; January 1, 2002; April 1, 2002; July 1, 2002; and October 1, 2002; any participant may register in any eligible security as a Primex Auction Market Maker and maintain that status during such calendar quarters without regard to the percentage of its orders it submits to the System for such security during that time, provided it also satisfies all other requirements of a Primex Auction Market Maker pursuant to these rules.

Beginning with the calendar quarter that commences on January 1, 2003, a participant previously registered as a Primex Auction Market Maker for a particular security may maintain its status as such until March 30, 2003 only if it submitted at least 50% of its Mandatory Eligible Orders during the calendar quarter that commences on October 1, 2002 (or during such portion of the calendar quarter that commences on October 1, 2002 in which the participant was so registered if the participant registered in mid quarter), provided it also satisfies all other requirements of a Primex Auction Market Maker pursuant to these rules. A participant that is newly registering as a Primex Auction Market Maker for a particular security any time after the start of the calendar quarter that commences on January 1, 2003 may maintain its status as such until the end of the calendar quarter in which it registered without regard to the percentage of its orders it submits to the System for such security during that time.

Beginning with the calendar quarter that commences on April 1, 2003, and each calendar quarter thereafter, a participant previously registered as a Primex Auction Market Maker for a particular security may maintain its status as such until the end of that calendar quarter only if it submitted at least 80% of its Mandatory Eligible Orders during the previous calendar quarter (or during the portion of such previous calendar quarter in which it was so registered if the participant registered in mid quarter), provided it also satisfies all other requirements of a Primex Auction Market Maker pursuant to these rules.]

¹⁰ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

becomes eligible for acceptance and exposure at a subsequent point in time;

(C) Any customer order placed by a customer who authorizes the Participant to not expose the order, either at the time the order is placed or prior thereto pursuant to an individually negotiated agreement with respect to such customer's orders;

(D) Any customer order that is an odd lot order (e.g., less than 100 shares);

(E) Any customer order to be executed outside of the hours of operation of the Application; or

(F) Any other order that would not fall within the definition of the term "covered order" as defined in Exchange Act Rule 11Ac1-5(a)(8).]

(3[4]) not attach a condition for Minimum Relative Price Improvement to any order submitted to the Application solely for its own principal account and not involving a customer order.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq 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. Nasdaq 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

Presently, NASD Rule 5020(b)(3) requires PAMMS to submit 80% of their Mandatory Eligible Orders to Primex in order to retain their status as PAMMs ("Percentage Test").⁴ Members registered as PAMMs can utilize certain matching features and are eligible for fee sharing, which are features not available to members that do not participate as PAMMs (i.e., Crowd Participants).⁵

⁴ The term "Mandatory Eligible Order" is defined in NASD Rule 5011(l).

⁵ PAMMS can enter Clean Cross orders and use the Two Cent Match, 50% Match, and Block Facilitation Match features. These features are described in NASD Rule 5014. In addition, pursuant to NASD Rule 7010(r)(1), a PAMM can share in the Primex fees charged to members when the PAMMs order interacts with crowd interest in Primex.

The purpose of the Percentage Test was to achieve a mix of trading interest that would result in retail orders being exposed to other market participants that would compete for the orders by providing price improvement.

Ultimately, the Percentage Test was a balance between continuing to provide PAMMs flexibility in how they execute their customer orders and the desire to provide a cross section of orders that would generate crowd participation and competition for orders. However, members have indicated that the Percentage Test complicates their order handling decisions, creating a disincentive to participating in Primex. Therefore, Nasdaq is proposing to eliminate the Percentage Test and allow members to participate as PAMMs irrespective of the number of orders they submit to the System.

The proposal to eliminate the Percentage Test does not modify any other aspect of Primex. For example, PAMMs must continue to comply with the other requirements of NASD Rule 5020 that govern PAMM eligibility, and PAMMs will continue to have the right to use the matching features and to participate in the fee sharing arrangements that are not available to Crowd Participants.

2. Statutory Basis

Nasdaq believes the proposed rule change is consistent with section 15A(b)(6) of the Act,⁶ which requires that NASD's rules be designed, among other things, to remove impediments to and perfect the mechanism of a free and open market and national market system, and, in general, protect investors and the public interest. Nasdaq believes the proposal to eliminate the Percentage Test is consistent with NASD's obligations under section 15A(b)(6) of the Act because it will remove an impediment to using Primex, which should result in greater participation in the System and increased liquidity and opportunities for price improvement.

When originally implemented, Nasdaq believed the requirement would promote liquidity by ensuring a cross section of order flow from each PAMM, which in turn would encourage non-market makers to participate in Primex and offer opportunities for price improvement. Nasdaq represents that promoting liquidity and price improvement opportunities are consistent with the protection of investors. However, instead of fostering liquidity, members have indicated the requirement is a disincentive to using

⁶ 15 U.S.C. 78o-3(b)(6).

Primex. Members desire flexibility in making order routing decisions and the rule complicates these decisions. Therefore, Nasdaq staff is proposing to eliminate the Percentage Test, which will eliminate an impediment to using Primex. As a result, Nasdaq expects that more members will participate in Primex, which should increase liquidity and opportunities for price improvement.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has been designated by NASD as effecting a change in an existing order-entry or trading system of NASD that: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not have the effect of limiting the access to or availability of the system. The proposed rule change has therefore become effective pursuant to section 19(b)(3)(A) of the Act⁷ and Rule 19b-4(f)(5)⁸ thereunder. The Nasdaq believes that the proposal to eliminate the Percentage Test complies with the requirements of Rule 19b-4(f)(5) under the Act because it effects a change in Primex, an existing trading system. In addition, the proposal does not modify how Primex operates. Therefore, it does not significantly affect the protection of investors or the public interest. Instead, the proposal eliminates a requirement that is viewed as an impediment to using Primex. In this regard, the proposal does not have the effect of limiting the access or availability of the System, but instead should promote access to it, which should increase participation in the System and promote competition for orders exposed in the System.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and

⁷ 15 U.S.C. 78s(b)(3)(A).

⁸ 17 CFR 240.19b-4(f)(5).

arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR-NASD-2003-58 and should be submitted by May 5, 2003.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁹

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03-9037 Filed 4-11-03; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-47646; File No. SR-Phlx-2003-18]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Thereto by the Philadelphia Stock Exchange, Inc. Relating to Equal Firm Quotation Size and AUTO-X Guarantees for Customer and Broker-Dealer Orders

April 8, 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 March 20, 2003, the Philadelphia Stock Exchange, Inc. ("Exchange" or "Phlx") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Phlx. The proposed rule change has been filed by the Phlx as a "non-controversial" rule change under Rule 19b-4(f)(6) under the

Act.³ On April 7, 2003, the Phlx filed Amendment No. 1 to the proposed rule change.⁴ The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to implement an options program to be firm for, and to automatically execute eligible orders against, the Exchange's disseminated size for both customer and broker-dealer orders. Specifically, the Exchange proposes to amend Exchange Rule 1082, Firm Quotations, to provide that all Phlx options quotations would be firm for all incoming customer and broker-dealer orders for their full disseminated size.

The Exchange further proposes to amend Exchange Rule 1080, Philadelphia Stock Exchange Automated Options Market (AUTOM) and Automatic Execution System (AUTO-X),⁵ to provide automatic executions for eligible customer and off-floor broker-dealer orders up to the Exchange's disseminated size, subject to a maximum guaranteed AUTO-X size of 250 contracts. Options on the Nasdaq-100 Index Tracking Stock ("QQQ"SM)⁶

³ 17 CFR 240.19b-4(f)(6).

⁴ See letter from Richard S. Rudolph, Director and Counsel, Phlx, to Deborah Lassman Flynn, Assistant Director, Division of Market Regulation, Commission, dated April 4, 2003 ("Amendment No. 1"). In Amendment No. 1, Phlx deleted certain proposed language stating that "[t]he minimum guaranteed AUTO-X size is 1 contract, and the current maximum AUTO-X size is 250 contracts, except for QQQ options"; retained current language that the minimum and maximum guaranteed AUTO-X sizes for each option will be posted in the Phlx's website; and retained current language that there be a minimum guaranteed AUTO-X size and maximum guaranteed AUTO-X size, as determined by the specialist and subject to approval of the Options Committee.

⁵ AUTOM is the Exchange's electronic order delivery, routing, execution and reporting system, which provides for the automatic entry and routing of equity option and index option orders to the Exchange trading floor. Orders delivered through AUTOM may be executed manually, or certain orders are eligible for AUTOM's automatic execution feature, AUTO-X. Equity option and index option specialists are required by the Exchange to participate in AUTOM and its features and enhancements. Option orders entered by Exchange members into AUTOM are routed to the appropriate specialist unit on the Exchange trading floor. See Exchange Rule 1080.

⁶ The Nasdaq-100®, Nasdaq-100 Index®, Nasdaq®, The Nasdaq Stock Market®, Nasdaq-100 SharesSM, Nasdaq-100 TrustSM, Nasdaq-100 Index Tracking StockSM, and QQQSM are trademarks or service marks of Nasdaq and have been licensed for use for certain purposes by the Philadelphia Stock Exchange pursuant to a License Agreement with Nasdaq. The Nasdaq-100 Index® (the Index) is determined, composed, and calculated by Nasdaq without regard to the Licensee, the Nasdaq-100 TrustSM, or the beneficial owners of Nasdaq-100

would continue to have a maximum guaranteed AUTO-X size of 2,000 contracts in the first two near term expiration months, and 1,000 contracts for all other expiration months.⁷

Below is the text of the proposed rule change. Proposed new language is in *italics*; proposed deletions are in brackets.

* * * * *

Firm Quotations

Rule 1082. (a) No change.

(b) Except as provided in paragraph (c) of this Rule, all quotations made available by the Exchange and displayed by quotation vendors shall be firm for customer *and broker-dealer* orders at the disseminated price in an amount up to the disseminated size. Responsible brokers or dealers bidding (or offering) at the disseminated price shall be collectively required to execute orders presented to them at such price up to the disseminated size in accordance with Rule 1015, or, if the responsible broker or dealer is representing (as agent) a limit order, such responsible broker or dealer shall be responsible (as agent) up to the size of such limit order, but may be responsible as principal for all or a portion of the excess of the disseminated size over the size of such limit order to the extent provided in Rule 1015.

(c) No change.

(d) [In accordance with paragraph (d)(1)(ii) of the SEC Quote Rule, the quotation size for a disseminated price with respect to an order for the account of a broker or dealer ("broker-dealer order") shall be one (1) contract ("quotation size"), and all quotations made available by the Exchange and displayed by quotation vendors shall be firm for broker-dealer orders at the disseminated price in an amount up to the quotation size. The quotation size for broker-dealer orders provided in this paragraph (d) shall be periodically published by the Exchange. Responsible brokers or dealers bidding (or offering) at the disseminated price shall be collectively required to execute broker-dealer orders at such price up to the quotation size. (e)] If responsible brokers or dealers receive an order to buy or sell a listed option at the disseminated price in an amount greater than the disseminated size [(for customer orders)

SharesSM. Nasdaq has complete control and sole discretion in determining, comprising, or calculating the Index or in modifying in any way its method for determining, comprising, or calculating the Index in the future.

⁷ See Securities Exchange Act Release No. 46531 (September 23, 2002), 67 FR 61370 (September 30, 2002) (SR-Phlx-2002-47).

⁹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

or the quotation size (for broker-dealer orders)], such responsible broker or dealer shall, within thirty (30) seconds of receipt of the order, (i) execute the entire order at the disseminated price (or better), or (ii) execute that portion of the order equal to the disseminated size [(in the case of a customer order) or the quotation size (in the case of a broker-dealer order)] at the disseminated price (or better), and revise its bid or offer.

Commentary:

.01. For purposes of this Rule 1082, the term "broker-dealer orders" includes orders for the account(s) of market makers on another exchange and Registered Options Traders ("ROTs") on the Exchange.

* * * * *

Philadelphia Stock Exchange Automated Options Market (AUTOM) and Automatic Execution System (AUTO-X)

Rule 1080. (a)–(b) No change.

(c) AUTO-X.—AUTO-X is a feature of AUTOM that automatically executes eligible market and marketable limit orders up to the number of contracts permitted by the Exchange for certain strike prices and expiration months in equity options and index options, unless the Options Committee determines otherwise. AUTO-X automatically executes eligible orders using the Exchange disseminated quotation (except if executed pursuant to the NBBO Feature in sub-paragraph (i) below) and then automatically routes execution reports to the originating member organization. AUTOM orders not eligible for AUTO-X are executed manually in accordance with Exchange rules. Manual execution may also occur when AUTO-X is not engaged, such as pursuant to sub-paragraph (iv) below. An order may also be executed partially by AUTO-X and partially manually.

The Options Committee may for any period restrict the use of AUTO-X on the Exchange in any option or series provided that the effectiveness of any such restriction shall be conditioned upon its having been approved by the Securities and Exchange Commission pursuant to Section 19(b) of the Securities Exchange Act of 1934 and the rules and regulations thereunder. Any such restriction on the use of AUTO-X approved by the Options Committee will be clearly communicated to Exchange membership and AUTOM users through an electronic message sent via AUTOM and through an Exchange information circular. Such restriction would not take effect until after such communication has been made.

Currently, the Exchange's maximum allowable AUTO-X guarantee is 250 contracts. With respect to options on the Nasdaq-100 Index Tracking Stock ("QQQ")SM, orders of up to 2,000 contracts in the first two (2) near term expiration months, and 1,000 contracts for all other expiration months, are eligible for AUTO-X.

For each option, there shall be a minimum guaranteed AUTO-X size and a maximum guaranteed AUTO-X size. Such minimum and maximum sizes may be for a different number of contracts for customer orders than for broker-dealer orders], as determined by the specialist and subject to the approval of the Options Committee.

The Exchange shall provide automatic executions for eligible *customer and broker-dealer* orders up to the Exchange's disseminated size as defined in Exchange Rule 1082, subject to a minimum guaranteed AUTO-X size and a maximum guaranteed AUTO-X size (up to a size of 250 contracts).

- If the Exchange's disseminated size is greater than the minimum guaranteed AUTO-X size, and less than the maximum guaranteed AUTO-X size, inbound eligible orders shall be automatically executed up to Exchange's disseminated size. Remaining contracts shall be executed manually by the specialist or placed on the limit order book.

- If the Exchange's disseminated size is less than the minimum guaranteed AUTO-X size for that option, inbound eligible orders shall be automatically executed up to such minimum guaranteed AUTO-X size. Remaining contracts shall be executed manually by the specialist or placed on the limit order book.

- If the Exchange's disseminated size is greater than the maximum guaranteed AUTO-X size, inbound eligible orders shall be automatically executed up to such maximum guaranteed AUTO-X size. Remaining contracts shall be executed manually by the specialist.

The minimum and maximum guaranteed AUTO-X size applicable to each option shall be posted on the Exchange's web site.

The Options Committee may, in its discretion, increase the size of orders in one or more classes of multiply-traded equity options eligible for AUTO-X to the extent necessary to match the size of orders in the same options eligible for entry into the automated execution system of any other options exchange, provided that the effectiveness of any such increase shall be conditioned upon its having been filed with the Securities and Exchange Commission pursuant to

Section 19(b)(3)(A) of the Securities Exchange Act of 1934.

(i)–(v) No change.

(d)–(j) No change.

Commentary

01–.04 No change.

.05 Off-floor broker-dealer limit orders delivered through AUTOM must be represented on the Exchange Floor by a floor member. Off-floor broker-dealer orders delivered via AUTOM shall be for a minimum size of one (1) contract. Off-floor broker-dealer limit orders are subject to the following other provisions:

(i)–(iii) No Change

(iv) [(a) The minimum guaranteed AUTO-X size shall be at least 10 contracts for off-floor broker-dealer limit orders in the 120 most actively traded equity options (the "Top 120 Options"). A Top 120 Option is defined as one of the 120 most actively traded equity options in terms of the total number of contracts that were traded nationally for a specified month based on volume reflected by The Options Clearing Corporation ("OCC").

(b) With respect to all other options, off-floor broker-dealer limit orders may be eligible for automatic execution via AUTO-X on an issue-by-issue basis, subject to the approval of the Options Committee.

(c) The AUTO-X guarantee for off-floor broker-dealer limit orders may be for a different number of contracts, on an issue-by-issue basis, than the AUTO-X guarantee for public customer orders, subject to the approval of the Options Committee. (v) Off-floor broker-dealer AUTO-X eligible limit orders may be eligible for the Exchange's National Best Bid or Offer ("NBBO") Step-Up Feature on an issue-by-issue basis, subject to the approval of the Options Committee.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Phlx included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Phlx has prepared summaries, set forth in Sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Phlx proposes to require that all Phlx quotations would be firm for all incoming customer and broker-dealer orders for their full disseminated size, thus eliminating any distinction between customer orders and broker-dealer orders respecting firm quotation size. The Phlx also proposes to provide that all Phlx guaranteed AUTO-X sizes would be the same for both customer and broker-dealer orders.

a. Firm Quotation Size

Currently, Exchange Rule 1082(b) requires that all quotations made available by the Exchange and displayed by quotation vendors shall be firm for customer orders at the disseminated price in an amount up to the disseminated size. Exchange Rule 1082(d) sets forth a different "quotation size" of one contract applicable to broker-dealer orders, which is distinguished from the "disseminated size" for which responsible brokers or dealers are firm for customer orders.⁸ The Exchange proposes to amend Exchange Rule 1082(b) to require that all quotations made available by the Exchange and displayed by quotation vendors shall be firm for customer orders and broker-dealer orders at the disseminated price in an amount up to the disseminated size, thus eliminating any distinction between customer orders and broker-dealer orders with respect to the size for which Exchange option quotations are firm.

The Exchange would also delete any references to "quotation size" and "broker-dealer" from Exchange Rule 1082(e). This would be to require all quotations made available by the Exchange and displayed by quotation vendors to be firm at the disseminated price in an amount up to the disseminated size for both customers and broker-dealers. The Phlx represents that the purpose of this provision is to provide both customers and broker-dealers with full access to the entire disseminated size of the Exchange's

⁸Rule 11Ac1-1(d)(1)(ii) under the Act provides that an exchange or association may establish by rule and periodically publish a quotation size, which shall not be for less than one contract, for which responsible brokers or dealers who are members of such exchange or association are obligated under paragraph (c)(2) of this section to execute an order to buy or sell a listed option for the account of a broker or dealer that is in an amount different from the quotation size for which it is obligated to execute an order for the account of a customer. 17 CFR 240.11Ac1-1(d)(1)(ii).

quotations. Thus, the Exchange proposes to eliminate any distinction between the size for which its quotes are firm, whether for customers or broker-dealers, including market makers on other exchanges and Registered Options Traders ("ROTs").

b. Automatic Executions at the Disseminated Size for Eligible Customer and Broker-Dealer Orders

In November 2002, the Commission approved an Exchange proposal to provide automatic executions for eligible orders at the Exchange's disseminated size, subject to a minimum and maximum eligible size range to be determined by the specialist and subject to approval of the Options Committee, on an issue-by-issue basis.⁹ The Exchange now proposes to amend Exchange Rule 1080(c) by deleting the provision that such minimum and maximum sizes may be for a different number of contracts for customer orders than for broker-dealer orders. Corresponding sections of the Commentary to Exchange Rule 1080 concerning AUTO-X eligibility and different guaranteed AUTO-X sizes for customers and broker-dealers would also be deleted. This would result in automatic executions for both eligible customer orders and eligible broker-dealer orders at the Exchange's disseminated size.

The Exchange proposes to eliminate the distinction among customer orders and broker-dealer orders respecting AUTO-X guarantees. In order to ensure that customer and broker-dealer orders receive the same AUTO-X size guarantee, the Phlx proposes to delete the current provisions in Exchange Rule 1080, Commentary .05 requiring a minimum guaranteed AUTO-X size of ten contracts for off-floor broker-dealer orders in Top 120 options. Additionally, the current Commentary includes a provision that, with respect to all other options, off-floor broker-dealer limit orders may be eligible for automatic execution via AUTO-X on an issue-by-issue basis, subject to the approval of the Options Committee. The Exchange proposes to delete this provision in order to enable all eligible broker-dealer orders to be treated the same as eligible customer orders with respect to the Exchange's guaranteed AUTO-X size.

Finally, the Exchange proposes to delete from the Commentary the provision that the AUTO-X guarantee for off-floor broker-dealer limit orders may be for a different number of

⁹ See Securities Exchange Act Release No. 46886 (November 22, 2002), 67 FR 72015 (December 3, 2002) (SR-Phlx-2002-39).

contracts, on an issue-by-issue basis, than the AUTO-X guarantee for public customer orders, subject to the approval of the Options Committee.

c. Conclusion

The Exchange believes that this proposed "one size fits all" approach, as set forth in subsections a. and b. above, should enable the Exchange to compete for broker-dealer orders by ensuring that there would be no distinction between broker-dealer and customer orders with respect to: (i) the size for which the Exchange is firm at its disseminated price; and (ii) the Exchange's guaranteed AUTO-X size. Furthermore, the Exchange believes that the proposal should enhance the transparency of its markets and result in a larger number of orders automatically executed.

2. Statutory Basis

The Exchange believes the proposed rule change, as amended, is consistent with Section 6(b) of the Act¹⁰ in general, and furthers the objectives of Section 6(b)(5) of the Act¹¹ in particular, because it is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and protect investors and the public interest by requiring Exchange specialists and ROTs to be firm for up to the Exchange's disseminated size for all orders, and providing automatic executions at the same guaranteed size for all eligible orders.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition that is not necessary in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become operative for 30 days from the date of filing, or such

¹⁰ 15 U.S.C. 78f(b).

¹¹ 15 U.S.C. 78f(b)(5).

shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A)¹² of the Act and Rule 19b-4(f)(6)¹³ thereunder.¹⁴

A proposed rule change filed under Rule 19b-4(f)(6) normally does not become operative prior to 30 days after the date of filing. However, Rule 19b-4(f)(6)(iii) permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Phlx seeks to have the proposed rule change become operative immediately upon filing so that the Exchange may remain competitive with other exchanges with similar rules in effect.

The Commission, consistent with the protection of investors and the public interest, has determined to waive the 30-day operative date and make the proposed rule change operative immediately upon filing, in order to allow the Phlx to compete for broker-dealer orders by removing any distinction between broker-dealer and customer orders with respect to the size for which the Exchange is firm at its disseminated price and the Exchange's guaranteed AUTO-X size.¹⁵ At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule

change, as amended, is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR-Phlx-2003-18 and should be submitted by May 5, 2003.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁶

Margaret H. McFarland,

Deputy Secretary.

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therein by an Exchange market maker or over-the-counter ("OTC") market maker, and permits such orders to be executed against in whole or in part; except that the term ECN shall not include: any system that crosses multiple orders at one or more specified times at a specified price set by the ECN, algorithm, or by any derivative pricing mechanism and does not allow orders to be crossed or executed against directly by participants outside of such times; or, any system operated by or on behalf of an OTC market-maker or exchange market-maker that executes customer orders primarily against the account of such market maker as principal, other than riskless principal.

⁵ Dow Jones®, "The DowSM," "Dow 30SM," "Dow Jones Industrial AverageSM," "Dow Jones IndustrialsSM," "DJIASM," "DIAMONDS®" and "The Market's Measure®" are trademarks of Dow Jones & Company, Inc. ("Dow Jones") and have been licensed for use for certain purposes by the Philadelphia Stock Exchange, Inc., pursuant to a License Agreement with Dow Jones. The DIAMONDS Trust, based on the DJIA, is not sponsored, endorsed, sold or promoted by Dow

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-47647; File No. SR-Phlx-2003-20]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. To Adopt a License Fee for Transactions in DIAMONDS® Exchange Traded Funds

April 8, 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 March 28, 2003, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Summary of Equity Charges to adopt a license fee of \$0.00025 per share per trade side for sides greater than 500 shares, with no maximum fee per trade side charged to Non-PACE Customers³ and Electronic Communications Networks ("ECNs"),⁴ and a license fee of \$0.0005 per share per trade side, with no maximum fee per trade side charged to specialists for transactions on the Phlx in the DIAMONDS® Exchange Traded Funds ("DIAMONDS").⁵ The Exchange also proposes to make minor, technical changes to its equity fee

Jones, and Dow Jones makes no representation regarding the advisability of investing in the DIAMONDS Trust.

⁶ These charges may include equity transaction charges, an equity floor brokerage assessment, an equity floor brokerage transaction fee, an off-Exchange trade information fee, an SEC fee, a remote information access fee, an Electronic Communications Network fee, an outbound Inter-Market Trading System ("ITS") fee and a net inbound ITS credit. Additionally, the PACE Specialist charge does not apply because specialists are not eligible for further PACE volume discounts. See Securities Exchange Act No. 44259 (May 4, 2001), 66 FR 23962 (May 10, 2001) (SR-Phlx-2001-41).

⁷ The license fees will not be eligible for the monthly credit of up to \$1,000 to be applied against certain fees, dues and charges and other amounts owed to the Exchange by certain members. See Securities Exchange Act Release No. 44292 (May 11, 2001), 66 FR 27715 (May 18, 2001) (SR-Phlx-2001-49).

¹² 15 U.S.C. 78s(b)(3)(A).

¹³ 17 CFR 240.19b-4(f)(6).

¹⁴ As required under Rule 19b-4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change at least five business days prior to the filing date or such shorter period as designated by the Commission.

¹⁵ For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

¹⁶ 17 CFR 200.30-3(a)(12).

¹⁷ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ PACE is the acronym for the Exchange's Automated Communication and Execution System, which is the Exchange's order routing, delivery, execution and reporting system for its equity trading floor. See Exchange Rules 229 and 229A.

⁴ ECNs shall mean any electronic system that widely disseminates to third parties orders entered

schedule to make corresponding references to the proposed fees. All other equity charges currently assessed

by the Phlx will be imposed where applicable.⁶ The Exchange proposes to implement this fee as of April 1, 2003, the date that it began trading in the DIAMONDS.⁷

Text of the proposed rule change is set forth below. New text is in italics. Deleted text is in brackets.

Summary of Equity Charges (p 1/3)*

EQUITY TRANSACTION CHARGE I

[Based on total shares per transaction with the exception of specialist trades and PACE trades.¹]

Monthly transaction value	Rate per share
First 500 shares	\$0.00
Next 2,000 shares	0.0075
Next 7,500 shares	0.005
Remaining shares	0.004
\$50 maximum fee per trade side.	

License Fee

SPDRs, Standard & Poor's Depository Receipts**

Customer Non-PACE and Electronic Communications Network^E ("ECN") License Fee:

\$0.00025 per share per trade side for sides greater than 500 shares

No maximum fee per trade side

Specialist License Fee:

\$0.00035 per share per trade side

No maximum fee per trade side

DIAMONDS® Exchange Traded Funds**

Customer Non-PACE and Electronic Communications Network^E ("ECN") License Fee:

\$0.00025 per share per trade side for sides greater than 500 shares

No maximum fee per trade side

Specialist License Fee:

\$0.0005 per share per trade side

No maximum fee per trade side

See Appendix A for additional fees.

I denotes fee eligible for monthly credit of up to \$1,000.

* Not applicable to transactions in Nasdaq-100 Index Tracking StockSM (see page 4 for fees).

Summary of Equity Charges (p 2/3)*

PACE Specialist Charge² I

\$.20 per PHLX Specialist Trade against PACE Executions (Not applicable to PACE trades on the opening)

Equity Floor Brokerage Assessment I

\$250 monthly charge³

Equity Floor Brokerage Transaction Fee I

\$.05 per 100 shares or fraction thereof, for floor broker executing transactions for their own member firms.

SEC Fee

The amount shall be determined by Section 31 of the Securities Exchange Act of 1934.

Off-Exchange Trade Information Fee I

\$.10 per DOT trade

Remote Information Access Fee I

\$300.00 per month

Electronic Communications Network^E ("ECN") Fee

\$2,500.00 per month (in lieu of equity transaction charges)

Outbound ITS Fee I (also applicable to transactions in Nasdaq-100 Index Tracking StockSM)⁴

For PACE orders sent over ITS with the customer information attached:

500 shares or less \$0.60 per 100 shares.

501 to 4,999 shares 0.30 per 100 shares.

Summary of Equity Charges (p 3/3)

³ PACE is the acronym for the Exchange's Automated Communication and Execution System, which is the Exchange's order routing, delivery, execution and reporting system for its equity trading floor. See Exchange Rules 229 and 229A.

⁴ ECNs shall mean any electronic system that widely disseminates to third parties orders entered

therein by an Exchange market maker or over-the-counter ("OTC") market maker, and permits such orders to be executed against in whole or in part; except that the term ECN shall not include: any system that crosses multiple orders at one or more specified times at a specified price set by the ECN, algorithm, or by any derivative pricing mechanism

and does not allow orders to be crossed or executed against directly by participants outside of such times; or, any system operated by or on behalf of an OTC market-maker or exchange market-maker that executes customer orders primarily against the account of such market maker as principal, other than riskless principal.

Net Inbound ITS Credit (also applicable to transactions in Nasdaq-100 Index Tracking StockSM)⁵

\$0.30 per 100 shares on the excess, if any, of the number of inbound ITS shares executed over the number of outbound ITS shares sent and executed on a monthly basis.

See Appendix A for additional fees.

I denotes fee eligible for monthly credit of up to \$1,000.

* Not applicable to transactions in Nasdaq-100 Index Tracking StockSM (see next page for fees).

^EECNs shall mean any electronic system that widely disseminates to third parties orders entered therein by an Exchange market maker or over-the-counter ("OTC") market maker, and permits such orders to be executed against in whole or in part; except that the term ECN shall not include: Any system that crosses multiple orders at one or more specified times at a specified price set by the ECN, algorithm, or by any derivative pricing mechanism and does not allow orders to be crossed or executed against directly by participants outside of such times; or, any system operated by or on behalf of an OTC market-maker or exchange market-maker that executes customer orders primarily against the account of such market maker as principal, other than riskless principal.

Any fees, credits, discounts and other charges in the Exchange's fee schedule which are based upon an equity specialist's specialist activity apply to competing specialists.

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** Dow Jones, "The Dow," "Dow 30," "Dow Jones Industrial Average," "Dow Jones Industrials," "DJIA," "DIAMONDS" and "The Market's Measure" are trademarks of Dow Jones & Company, Inc. ("Dow Jones") and have been licensed for use for certain purposes by the Philadelphia Stock Exchange, Inc., pursuant to a License Agreement with Dow Jones. The DIAMONDS Trust, based on the DJIA, is not sponsored, endorsed, sold or promoted by Dow Jones, and Dow Jones makes no representation regarding the advisability of investing in the DIAMONDS Trust.

¹ However, this charge applies where an order, after being delivered to the Exchange by the PACE system is executed by the specialist by way of an outbound commitment, when such outbound ITS commitment reflects the PACE order's clearing information, but does not apply where a PACE trade was executed against an inbound ITS commitment.

² This charge does not apply to transactions in Nasdaq-100 Index Tracking StockSM [and] SPDRs and DIAMONDS.

³ Applies to each member who derives at least 80% of gross income generated from Phlx floor based activities from his/her floor brokerage business conducted on the Exchange. Floor brokerage business conducted on the Exchange includes orders that are received on the Phlx, even if those orders are executed on an exchange other than the Phlx. The 5% floor brokerage assessment is waived until Dec. 31, 2003 and is scheduled to be reinstated Jan. 1, 2004.

⁴ This fee will only apply when the specialist sends an order received over PACE to ITS and receives an execution, if the specialist used the PACE customer's clearing information on the outbound ITS commitment.

⁵ This credit will include all inbound and outbound ITS executions, including both PACE and non-PACE and both proprietary and customer commitments.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to adopt a license fee that will apply to trading DIAMONDS on the Exchange. The Exchange recently determined to begin trading DIAMONDS. The license fees should help off-set licensing fees incurred by the Exchange associated with the trading of these products on the Exchange.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,⁸ in general, and furthers the objectives of Section 6(b)(4) of the Act,⁹ in particular, in that it is an equitable allocation of reasonable dues, fees, and other charges among Exchange members. The Exchange believes that charging members that trade these products a licensing fee is an equitable means of recovering a portion of the licensing fees incurred by the Exchange.¹⁰

⁵ Dow Jones, "The Dow," "Dow 30," "Dow Jones Industrial Average," "Dow Jones Industrials," "DJIA," "DIAMONDS" and "The Market's Measure" are trademarks of Dow Jones & Company, Inc. ("Dow Jones") and have been licensed for use for certain purposes by the Philadelphia Stock Exchange, Inc., pursuant to a License Agreement with Dow Jones. The DIAMONDS Trust, based on the DJIA, is not sponsored, endorsed, sold or promoted by Dow Jones, and Dow Jones makes no representation regarding the advisability of investing in the DIAMONDS Trust.

⁶ These charges may include equity transaction charges, an equity floor brokerage assessment, an equity floor brokerage transaction fee, an off-Exchange trade information fee, a SEC fee, a remote information access fee, an Electronic Communications Network fee, an outbound Inter-Market Trading System ("ITS") fee and a net inbound ITS credit. Additionally, the PACE Specialist charge does not apply because specialists are not eligible for further PACE volume discounts. See Securities Exchange Act No. 44259 (May 4, 2001), 66 FR 23962 (May 10, 2001) (SR-Phlx-2001-41).

⁷ The license fees will not be eligible for the

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change establishes or changes a due, fee, or charge imposed by the Exchange and, therefore, has become effective upon filing pursuant to Section 19(b)(3)(A)(ii) of the Act¹¹ and Rule 19b-4(f)(2) thereunder.¹² At any

⁹ 15 U.S.C. 78f(b)(4).

¹⁰ With regard to the distinction between Customer PACE and Non-PACE license fees, the Exchange states that it is consistent with its current practice to not impose customer charges for equity transactions delivered through PACE, but to impose customer charges for Non-PACE executions. See, e.g., Securities Exchange Act Release Nos. 47385 (February 20, 2003), 68 FR 10295 (March 4, 2003) (SR-Phlx-2003-06); 44381 (June 1, 2001), 66 FR 31264 (June 11, 2001) (SR-Phlx-2001-57); and 43776 (December 28, 2000), 66 FR 1166 (January 5, 2001) (SR-Phlx-2000-103). Also, consistent with its current practice, the Exchange charges customer transaction fees and specialist transaction fees at different rates. See, e.g., Securities Exchange Act

time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purpose of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR-Phlx-2003-20 and should be submitted by May 5, 2003.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹³

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03-9035 Filed 4-11-03; 8:45 am]

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SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3483]

State of West Virginia; Amendment # 2

In accordance with a notice received from the Department of Homeland Security—Federal Emergency Management Agency, effective April 4, 2003, the above numbered declaration is hereby amended to include Braxton, Harrison, Lewis, Logan, Monroe and Putnam Counties in the State of West Virginia as disaster areas due to

damages caused by a severe winter storm, record snow, heavy rains, flooding and landslides occurring on February 16, 2003, and continuing through March 28, 2003.

In addition, applications for economic injury loans from small businesses located in the contiguous counties of Doddridge, Marion, Taylor and Wetzel in the State of West Virginia; and Craig County in the Commonwealth of Virginia may be filed until the specified date at the previously designated location. All other counties contiguous to the above named primary county have been previously declared.

All other information remains the same, *i.e.*, the deadline for filing applications for physical damage is May 13, 2003, and for economic injury the deadline is December 15, 2003.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: April 7, 2003.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 03-9056 Filed 4-11-03; 8:45 am]

BILLING CODE 8025-01-P

DEPARTMENT OF STATE

Office of Visa Services

[Public Notice 4333]

60-Day Notice of Proposed Information Collection: Form DS-3052, Nonimmigrant V Visa Application; OMB Control Number 1405-0128

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. This process is conducted in accordance with the Paperwork Reduction Act of 1995.

The following summarizes the information collection proposal to be submitted to OMB:

Type of Request: Extension of currently approved collection.

Originating Office: Bureau of Consular Affairs, Department of State (CA/VO).

Title of Information Collection: Nonimmigrant V Visa Application.

Frequency: Once per respondent.

Form Number: DS-3052.

Respondents: Nonimmigrant visa applicants applying for a V visa.

Estimated Number of Respondents: 100,000 per year.

Average Hours Per Response: 1 hour.
Total Estimated Burden: 100,000 hours per year.

Public comments are being solicited to permit the agency to:

- Evaluate whether the proposed information collection is necessary for the proper performance of the functions of the agency.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.

• Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

For Additional Information: Public comments, or requests for additional information regarding the collection listed in this notice should be directed to Brendan Mullarkey of the Office of Visa Services, U.S. Department of State, 2401 E St., NW., RM L-703, Washington, DC 20520, who may be reached at 202-663-1163.

Dated: March 24, 2003.

Janice L. Jacobs,

Deputy Assistant Secretary of State for Visa Services, Bureau of Consular Affairs, Department of State.

[FR Doc. 03-9053 Filed 4-11-03; 8:45 am]

BILLING CODE 4710-06-P

DEPARTMENT OF STATE

Office of Recruitment, Examinations and Employment (HR/REE)

[Public Notice 4334]

60-Day Notice of Proposed Information Collection: Form DS-1998, Department of State Registration Form; OMB Control Number 1405-0008

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. The process is conducted in accordance with the Paperwork Reduction Act of 1995.

The following summarizes the information collection proposal submitted to OMB:

Type of Request: Continuation of a currently approved collection.

Originating Office: Bureau of Human Resources (HR/REE).

Title of Information Collection: Registration for the Foreign Service Written Examination.

Frequency: Annually.

Form Number: DS-1998.

Respondents: Registrants for the Foreign Service Officer Written Examination.

Estimated Number of Respondents: 27,585 per year.

Average Hours Per Response: 20 minutes.

Total Estimated Burden: 9,195 hrs.

Public Comments are being solicited to permit the agency to:

- Evaluate whether the proposed information collection is necessary for the proper performance of the functions of the agency.

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.

- Enhance the quality, utility, and clarity of the information to be collected.

- Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR ADDITIONAL INFORMATION: Public comments, or requests for additional information, regarding the collection listed in this notice should be directed to Beatrice E. Smotherman, Bureau Of Human Resources, Examination Division, Foreign Service Written Examination, U.S. Department of State, Washington, DC 20522, who may be reached at (202) 261-8883.

Dated: February 28, 2003.

Ruben Torres,

Executive Director, Bureau of Human Resources, Department of State.

[FR Doc. 03-9054 Filed 4-11-03; 8:45 am]

BILLING CODE 4710-15-P

DEPARTMENT OF STATE

[Public Notice 4336]

Bureau of Democracy, Human Rights and Labor Request for Grant Proposals: Human Rights and Democratization Initiatives in the Middle East and North Africa

SUMMARY: The Office for the Promotion of Human Rights and Democracy of the Bureau of Democracy, Human Rights and Labor (DRL) announces an open competition for one or more assistance awards. Organizations may submit grant proposals that address programs and activities that foster democracy, human

rights, press freedoms, women's political development and the rule of law in countries with a significant Muslim population in the Middle East and North Africa, and where such programs and activities would be important to United States efforts to respond to, deter, or prevent acts of international terrorism.

Awards are contingent upon the availability of funds. Funding may be available at a level of up to \$4,000,000 under the Economic Support Funds through the Bureau's Human Rights and Democracy Fund (HRDF) for projects that address Bureau objectives in predominantly Muslim countries in this region. The Bureau anticipates awarding between 4-10 grants in amounts of \$250,000-\$1,000,000.

Background: The Human Rights and Democracy Fund (HRDF) supports innovative, cutting-edge programs which uphold democratic principles, support and strengthen democratic institutions, promote human rights, and build civil society in countries and regions of the world that are geo-strategically important to the U.S. HRDF funds projects that have an immediate impact but that have potential for continued funding beyond HRDF resources. HRDF projects must not duplicate or simply add to efforts by other entities.

Additional Information

Proposed programs must address at least one of the following specific themes and priority countries. Regional programs that include priority countries are also welcome:

(1) Support to civil society, with emphasis on political actors and advocacy groups that involve women: Egypt, Jordan, Bahrain, Algeria, Oman, Saudi Arabia, Qatar, Iran.

(2) Access to information through freedom of the press, freedom of speech, and enhanced public awareness of human rights and democracy issues: Saudi Arabia, Egypt, Jordan, Morocco, Tunisia.

(3) Elections: strengthening institutional capacity, training political parties, NGOs and newly elected officials, raising civic awareness: Qatar, Oman, Bahrain, Jordan, Morocco.

(4) Rule of law with emphasis on civil liberties, governmental accountability, and administration of justice: Egypt, Jordan, Morocco, Tunisia.

Project Criteria

- Project implementation should begin no earlier than late summer 2003.
- Projects should not exceed two years in duration. Shorter projects with

more immediate outcomes may receive preference.

- Projects must take place in-country or in a third country. U.S.-based or exchange projects are discouraged.

- Projects that have a strong academic or research focus will not be highly considered. DRL will not fund health, technology, environmental, or scientific projects unless they have an explicit democracy, human rights, or rule of law component. Conferences likewise will not be highly considered.

- Projects should include a follow-on plan that extends beyond the grant period ensuring that Bureau-supported programs are not isolated events.

In order to avoid the duplication of activities and programs, proposals should also indicate knowledge of similar projects being conducted in the region and how the submitted proposal will complement them.

Applicant/Organization Criteria

Organizations applying for a grant should meet the following criteria:

- Be a U.S. public or private non-profit organization meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3).
- Have demonstrated experience administering successful projects in the region in which it is proposing to administer a project.
- Have existing, or the capacity to develop, active partnerships with in-country organization(s).

Note: Organizations are welcome to submit more than one proposal, but should know that DRL wishes to reach out to as many different organizations as possible with its limited funds.

Budget Guidelines

Please refer to the Proposal Submission Instructions for complete budget guidelines and formatting instructions.

Deadline for Proposals

All proposals must be received at the Bureau of Democracy, Human Rights and Labor by 5 p.m. Eastern Standard Time (EST) on Wednesday, May 14, 2003. Please refer to the PSI for specific delivery instructions.

Review Process

The Bureau will acknowledge receipt of all proposals and will review them for eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the PSI. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for

advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements.

Final technical authority for assistance awards resides with the Office of Acquisition Management's Grants Officer.

Review Criteria

Eligible applications will be competitively reviewed according to the criteria stated below. Fuller explanation of these criteria are included in the PSI. These criteria are not rank ordered and all carry equal weight in the proposal evaluation: quality of the program idea; program planning and ability to achieve program objectives; multiplier effect/impact; institution's record/ability/capacity; cost-effectiveness.

FOR FURTHER INFORMATION, CONTACT: The Office for the Promotion of Human Rights and Democracy of the Bureau of Democracy, Human Rights and Labor, DRL/PHD. Please specify Sondra Govatski (202)–647–9734 on all inquiries and correspondence.

Please read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

To Download A Solicitation Package Via Internet

The Solicitation Package includes this RFP plus the Proposal Submission Instructions (PSI) which contains detailed award criteria, specific budget instructions, and standard guidelines for proposal preparation. The entire RFP and PSI may be downloaded from the Bureau's Web site at <http://www.state.gov/g/drl/>.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any Bureau representative.

Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been appropriated by

Congress, allocated and committed through internal Bureau procedures.

Dated: April 7, 2003.

Lorne W. Craner,

Assistant Secretary for Democracy, Human Rights and Labor, Department of State.

[FR Doc. 03–9055 Filed 4–11–03; 8:45 am]

BILLING CODE 4710–18–P

DEPARTMENT OF STATE

[Public Notice 4302]

Advisory Commission on Public Diplomacy Notice of Meeting

The Department of State announces a meeting of the U.S. Advisory Commission on Public Diplomacy on Tuesday, April 29, 2003, in Room 600, 301 4th St., SW., Washington, DC from 9 a.m. to 11 a.m.

The Commission, reauthorized pursuant to Pub. L. 106–113 (H.R. 3194, Consolidated Appropriations Act, 2000), will have a retrospective discussion about the viewpoints Commissioners developed on public diplomacy during their terms in office.

Members of the general public may attend the meeting, though attendance of public members will be limited to the seating available. Access to the building is controlled, and individual building passes are required for all attendees.

The U.S. Advisory Commission on Public Diplomacy is a bipartisan Presidentially appointed panel created by Congress in 1948 to provide oversight of U.S. Government activities intended to understand, inform and influence foreign publics. The Commission reports its findings and recommendations to the President, the Congress and the Secretary of State and the American people. Current Commission members include Harold Pachios of Maine, who is the chairman; Charles Dolan of Virginia, who is the vice chairman; Lewis Manilow of Illinois; Penne Korth Peacock of Washington, DC and Maria Elena Torano of Florida.

For more information or to attend the meeting, please contact Matt Lauer at (202) 619–4457.

Dated: April 9, 2003.

Matthew Lauer,

Executive Director, U.S. Advisory Commission on Public Diplomacy, Department of State.

[FR Doc. 03–9052 Filed 4–11–03; 8:45 am]

BILLING CODE 4710–11–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34327]

Richard J. Corman—Continuance in Control Exemption—R.J. Corman Railroad Company/Central Kentucky Lines

Richard J. Corman (Corman), a noncarrier individual, has filed a verified notice of exemption to continue in control of R.J. Corman Railroad Company/Central Kentucky Lines (RJCC), upon RJCC's becoming a Class III rail carrier.

Corman reported that the parties intended to consummate the transaction on or soon after March 28, 2003, the effective date of the exemption (7 days after the exemption was filed).

This transaction is related to two simultaneously filed notices of exemption: STB Finance Docket No. 34325, *R.J. Corman Equipment Company, LLC-Acquisition Exemption-Line of Lexington & Ohio Railroad Co., Inc.*, wherein R.J. Corman Equipment Company, LLC (RJCE) seeks to acquire approximately 14.9 miles of rail line from the Lexington & Ohio Railroad Co., Inc.; and STB Finance Docket No. 34326, *R.J. Corman Railroad Company/Central Kentucky Lines-Lease and Operation Exemption—Line of R. J. Corman Equipment Company, LLC*, wherein R.J. Corman Railroad Company/Central Kentucky Lines seeks to lease and operate the rail line being acquired by RJCE in STB Finance Docket No. 34325.

Corman controls through stock ownership eight Class III rail carriers: R.J. Corman Railroad Company/Pennsylvania Lines, Inc., operating in Pennsylvania; R.J. Corman Railroad Company/Memphis Line, operating in Tennessee and Kentucky; R.J. Corman Railroad Company/Western Ohio Line, operating in Ohio; R.J. Corman Railroad Company/Cleveland Line operating in Ohio; R.J. Corman Railroad Company/Bardstown Line, operating in Kentucky; R.J. Corman Railroad Company/Allentown Lines, Inc., operating in Pennsylvania and New York; Clearfield and Mahoning Railway Company, operating in Pennsylvania; and R.J. Corman Equipment Company, LLC, a nonoperating common carrier which owns and leases track in Kentucky and Ohio.

Corman states that the rail line to be leased and operated by RJCC will not connect with the rail lines of any existing rail carrier in the Corman corporate family, this control transaction is not part of a series of

anticipated transactions that would result in such a connection, and this control transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval of requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions 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. 34327, 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 Edward J. Fishman, Kirkpatrick & Lockhart LLP, 1800 Massachusetts Avenue—2nd Floor, Washington, DC 20036.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: April 4, 2003.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 03-8925 Filed 4-11-03; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34325]

R.J. Corman Equipment Company, LLC—Acquisition Exemption—Line of Lexington & Ohio Railroad Co., Inc.

R.J. Corman Equipment Company, LLC (RJCE), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire approximately 14.9 miles of rail line from the Lexington & Ohio Railroad Co., Inc. located between approximately milepost 23.9 LL in Lexington, KY, and approximately milepost 9.0 LL in Versailles, KY, in Fayette and Woodford

Counties, KY. RJCE certifies that its projected revenues as a result of this transaction will not result in the creation of a Class I or Class II rail carrier.

RJCE reported that the parties intended to consummate the transaction on or soon after March 28, 2003, the effective date of the exemption (7 days after the exemption was filed).

This transaction is related to a simultaneously filed verified notice of exemption in STB Finance Docket No. 34326, *R.J. Corman Railroad Company/Central Kentucky Lines—Lease and Operation Exemption—Line of R.J. Corman Equipment Company, LLC*, wherein R.J. Corman Railroad Company/Central Kentucky Lines seeks to lease and operate the line being acquired by RJCE here.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions 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. 34325, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Edward J. Fishman, Kirkpatrick & Lockhart LLP, 1800 Massachusetts Avenue—2nd Floor, Washington, DC 20036.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: April 4, 2003.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 03-8924 Filed 4-11-03; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34326]

R.J. Corman Railroad Company/Central Kentucky Lines—Lease and Operation Exemption—Line of R.J. Corman Equipment Company, LLC

R.J. Corman Railroad Company/Central Kentucky Lines (RJCC), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease and operate approximately 14.9 miles of rail line from R.J. Corman Equipment Company, LLC (RJCE) between approximately milepost 23.9

LL in Lexington, KY, and approximately 9.0 LL in Versailles, KY, in Fayette and Woodford Counties, KY. RJCC certifies that the projected revenues as a result of this transaction will not result in the creation of a Class I or Class II rail carrier.

RJCC reported that the parties intended to consummate the transaction on or soon after March 28, 2003, the effective date of the exemption (7 days after the exemption was filed).

This transaction is related to two simultaneously filed notices of exemption: STB Finance Docket No. 34325, *R.J. Corman Equipment, LLC—Acquisition Exemption—Line of Lexington & Ohio Railroad Co., Inc.*, wherein RJCE seeks to acquire the same 14.9 miles of rail line involved in the instant notice from Lexington & Ohio Railroad Co., Inc.; and STB Finance Docket No. 34327, *R.J. Corman—Continuance in Control Exemption—R.J. Corman Railroad Company/Central Kentucky Lines*, wherein Richard J. Corman seeks to continue in control of RJCC upon RJCC's becoming a Class III rail carrier pursuant to this notice.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions 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. 34326, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Edward J. Fishman, Kirkpatrick & Lockhart LLP, 1800 Massachusetts Avenue—2nd Floor, Washington, DC 20036.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: April 4, 2003.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 03-8927 Filed 4-11-03; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF THE TREASURY

Office of the Secretary

List of Countries Requiring Cooperation With an International Boycott

In order to comply with the mandate of section 999(a)(3) of the Internal Revenue Code of 1986, the Department

of the Treasury is publishing a current list of countries which may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1986).

On the basis of the best information currently available to the Department of the Treasury, the following countries may require participation in, or

cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1986).

Bahrain
Iraq
Kuwait
Lebanon
Libya
Oman
Qatar

Saudi Arabia

Syria

United Arab Emirates

Yemen, Republic of

Dated: April 3, 2003.

Barbara Angus,

International Tax Counsel (Tax Policy).

[FR Doc. 03-8992 Filed 4-11-03; 8:45 am]

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