withdraw from the agreement or make final the agreement's proposed order.

This matter involves allegedly misleading representations about Unither's HeartBar products, chewy food bars and powders enriched with L-Arginine, vitamins, and minerals. HeartBar's labeling describes the product as the only ''medical food'' for the dietary management of heart and vascular disease.

According to the FTC complaint, Unither failed to have substantiation for the claims that HeartBar: (1) Substantially decreases leg pain for people with cardiovascular disease; (2) reverses damage or disease to the heart caused by high cholesterol, smoking, diabetes, or estrogen deficiency; (3) prevents age-related vascular problems, including ''hardening of the arteries'' and plaque formation, and reduces the risk of developing cardiovascular disease; (4) reduces or eliminates the need for surgery, such as a coronary bypass or angioplasty, and medications, such as nitroglycerin, in patients with cardiovascular disease; and (5) improves endurance and energy for the general population. Among other reasons, several of the representations are not supported by any clinical studies on humans. Other representations are based on results reported in studies that suffer from various flaws, including the failure to account for the placebo effect and extremely small sample sizes, such that the experience of a single or a few subjects account for the benefits purportedly experienced by the active group as a whole.

The complaint further alleges that, contrary to Unither's claims, clinical studies, research, and/or trials do not show that HeartBar: (1) Decreases angina pain, including by as much as 70% within two weeks; (2) decreases leg pain while walking or exercising, including by as much as 66% within two weeks, for people with peripheral artery disease; (3) reverses the effects of high cholesterol, smoking, diabetes, and estrogen deficiency on the heart; or (4) improves endurance and energy for the general population.

The proposed consent order contains provisions designed to prevent the Unither from engaging in similar acts and practices in the future.

Part I of the order prohibits claims that HeartBar (HeartBar, HeartBar Plus, or HeartBar Sport), or any other L-Arginine product used in or marketed for the treatment, cure, or prevention of cardiovascular disease, or the improvement of cardiovascular or vascular function: (1) Substantially decreases leg pain for people with cardiovascular disease; (2) reverses damage or disease to the heart caused by high cholesterol, smoking, diabetes, estrogen deficiency, or any other medical condition or health risk; (3) prevents age-related vascular problems, including ''hardening of the arteries'' and plaque formation, or reduces the risk of developing cardiovascular disease; (4) reduces or eliminates the need for surgery, such as a coronary bypass or angioplasty, or for medications, such as nitroglycerin, in patients with cardiovascular disease; or (5) improves endurance, circulation, and energy for the general population, unless the claims are substantiated by competent and reliable scientific evidence.

Part II of the order requires that Unither possess competent and reliable scientific evidence to support any future claims about the health benefits, performance, or efficacy of any food, medical food, or dietary supplement used in or marketed for: (1) The treatment, cure, or prevention of cardiovascular disease, or (2) the improvement of cardiovascular or vascular function. For the same products covered in Part II, Part III of the order prohibits Unither from misrepresenting the existence, contents, validity, results, conclusions, or interpretations of any test, study, or research.

Parts IV and V of the order permit drug claims permitted in labeling under any tentative final or final standard promulgated by the FDA, or under any new drug application approved by the FDA, and any representation for any product permitted in labeling by the FDA pursuant to the Nutrition Labeling and Education Act of 1990.

Part VI of the order mandates that the respondents notify their distributors as to the claims the Commission has challenged and report to the Commission any distributors who continue to make claims that the Commission's order prohibits.

Parts VII, VIII, IX, and X of the order require Unither to keep copies of relevant advertisements and materials substantiating claims made in the advertisements, to provide copies of the order to certain of its personnel, to notify the Commission of changes in corporate structure, and to file compliance reports with the Commission. Part XI provides that the order will terminate after twenty (20) years under certain circumstances.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 03–15500 Filed 6–18–03; 8:45 am]

BILLING CODE 6750–01–P

GENERAL SERVICES ADMINISTRATION

Notice of the Availability of the Record of Decision for Badger Army Ammunition Plant Disposal

AGENCY: General Services Administration, New England Region.

ACTION: Notice of a Record of Decision.

SUMMARY: The General Services Administration (GSA) announces the availability of the Record of Decision (ROD) for the Environmental Impact Statement (EIS) for the disposal of Badger Army Ammunition Plant (Badger AAP), Sauk County, Wisconsin.

Background Information

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Council of Environmental Quality Regulations (40 CFR Parts 1500–1508), and GSA Orders ADM 1095.1F and ADM 1020.1, GSA has prepared an EIS for the disposal of approximately 7,354 acres of Badger AAP, located in Sauk County, Wisconsin. GSA's action is the administrative act of transferring ownership of this property through one, or a combination of, disposal mechanisms as dictated by Section 203 of the Federal Property and Administrative Services Act of 1949 (49 Act), as amended (40 U.S.C. 484).[i] Disposal mechanisms available to GSA include: Transferring property to other Federal agencies; conveying property to state or local governments and institutions; and conveying property to private entities.

Project Information

The Badger AAP was declared excess to the United States Army's (U.S. Army) mission in 1998. Government properties that are declared excess must be disposed of in accordance with Section 203 of the 49 Act, as amended.

[i] Subsequent to publication of the Draft EIS, Public Law 107–217 was enacted to revise and codify without substantive change certain laws related to public buildings, property, and works. GSA's real property policies were transferred from the Federal Property Management Regulations (FPMR) to the Federal Management Regulations (FMR) in Title 40 of the U.S.C. Reference to the conversion tables are provided in House Report 107–479, pp. 136–278, and are available at *http://thomas.loc.gov.* The ROD and Final EIS will reference the FPMR in conformity with the Draft EIS.

Currently, the U.S. Army maintains Badger AAP.

Disposal of Badger AAP by GSA would remove the property from Federal ownership, except for any parcel that may be accepted for transfer to another Federal agency. Whether transferred in its entirety or over time in separate parcels to one or more entities, the land removed from Federal ownership subsequently (and only after transfer) may become subject to Merrimac or Sumpter Township's and Sauk County's land use decisions and taxing authority. All future development or reuse would be determined by subsequent owners and may be subject to local zoning, permitting, and land use controls. In addition, GSA has facilitated the development of a Memorandum of Understanding and an Intergovernmental Agreement among the stakeholders to provide for the coordination of the operation and management of these lands after disposal takes place. These agreements are pending final execution by all parties thereto. GSA has evaluated two alternatives as part of the EIS including the No-Action Alternative and the Disposal Alternative (Proposed Action and Preferred Alternative).

GSA issued a Draft EIS in June 2002 with publication of the Notice of Availability (NOA) in the **Federal Register** on July 5, 2002. The NOA provided a start date for the 45-day public comment period that was originally scheduled to end on August 19, 2002 but was extended by 42 days to end on September 30, 2002. The notice of extension for the public review period was published in the **Federal Register** on August 23, 2002. During the public comment period a public hearing for the Draft EIS was held in Baraboo, Wisconsin on July 24, 2002.

The Final EIS addressed comments received on the Draft EIS and was released on March 13, 2003 with publication of the NOA in the **Federal Register** on March 21, 2003 for final comment. The 30-day public comment period was originally scheduled to end on April 21, 2003, but was extended 7 days to close on April 28, 2003. The notice of extension was published in the **Federal Register** on April 18, 2003. A total of seven comments were received during the public review period on the Final EIS. Six of these comments are similar to comments received on the Draft EIS and were considered in the decision presented in this ROD. The seventh comment was received from the Environmental Protection Agency (EPA), which concluded: ''provided that the recommendation concerning open burning activities is complied with, our Agency will not object to the implementation of the project as described in the Final EIS.'' EPA's recommendations, in actuality, related to actions of the Holding Agency, Army—BAAP, and are separate and apart from GSA's Proposed Action, but the Holding Agency's actions are indeed wholly in compliance with EPA's recommendation. An eighth comment was received late from Department of the Interior, dated after the close of the comment period.

GSA provided written notices of the availability of the Draft EIS and Final EIS in the **Federal Register**, local newspapers, and through local libraries. GSA distributed approximately 250 copies of the two volume Draft EIS and 300 copies of the Final EIS to Federal agencies, tribal, state and local governments, elected officials, interested organizations, and individuals.

Availability of Record of Decision (ROD)

The ROD and other information regarding this project are available upon request. To obtain a copy directly, please go to the web site *http://www.badgeraap.org* and follow the links under ''What's New.''

FOR FURTHER INFORMATION CONTACT: Mr. Mark N. Lundgren, General Services Administration, at (312) 353–0302.

Dated: June 3, 2003.

Glenn C. Rotondo,

Deputy Regional Administrator, New England Region, General Services Administration.

[FR Doc. 03–15446 Filed 6–18–03; 8:45 am]

BILLING CODE 6820–23–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Request for Nominations of Members to the Advisory Committee on Blood Safety and Availability

AGENCY: Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Office of the Secretary requests nomination of individuals to serve on the Advisory Committee on Blood Safety and Availability in accordance with its charter. Appointments will be made for a term of four years. Individuals nominated after June 1, 2000, will remain under consideration for these appointments.

DATES: All nominations must be received at the address below no later than 4 p.m. e.d.t. July 18, 2003.

ADDRESSES: All nominations shall be submitted to CAPT Lawrence C. McMurtry, Acting Executive Secretary, Advisory Committee on Blood Safety and Availability, Office of Public Health and Science, Department of Health and Human Services, 1101 Wootton Parkway—Suite 250, Rockville, MD 20852. Phone (301) 443–2331.

FOR FURTHER INFORMATION CONTACT: CAPT Lawrence C. McMurtry, Acting Executive Secretary, Advisory Committee on Blood Safety and Availability, Office of Public Health and Science, Department of Health and Human Services, 1101 Wootton Parkway—Suite 250, Rockville, MD 20852. Phone (301) 443–2331.

SUPPLEMENTARY INFORMATION:

Nominations: In accordance with the charter of the committee, persons nominated for membership should be from among authorities knowledgeable in blood banking, transfusion medicine, bioethics and/or related disciplines. Members shall be selected from State and local organizations, advocacy groups, consumer advocates, provider organizations, academic researchers, ethicists, private physicians, scientists, consumer advocates, legal organizations and from among communities of persons who are frequent recipients of blood and blood products.

Information Required: Each nomination shall consist of a package that, at a minimum, includes:

A. The name, return address, daytime telephone number and affiliation(s) of the individual being nominated, the basis for the individual's nomination, the category for which the individual is nominated, and a statement bearing an original signature of the nominated individual that if appointed he or she is willing to serve as a member of the committee;

B. The name, return address, daytime telephone number at which the nominator may be contacted. Organizational nominators must identify a principal contact person in addition to the contact information; and

C. A copy of the nominee's curriculum vitae.

The Department of Health and Human Services has a strong interest in ensuring that women, minority groups, and physically challenged individuals are adequately represented on the Committee and, therefore, encourages nomination of qualified candidates from these groups. The Department also encourages geographic diversity in the composition of the Committee.

Individuals should feel free to nominate themselves. All nomination information for a nominee must be