

will consider this information in developing regulations to authorize the taking. Prior to submitting comments, NMFS recommends reviewers of this document read the responses to comments provided for the previous rulemaking for this activity (see 64 FR 9925, March 1, 1999), as NMFS does not intend to address these issues further without the submission of additional scientific information supporting the comment. After NMFS proposes regulations to govern marine mammal take authorizations, it will accept comments on the proposed.

Dated: September 12, 2003.

Laurie K. Allen,

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

[FR Doc. 03-23993 Filed 9-18-03; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 090403F]

Pacific Fishery Management Council; Public Meeting; Correction

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

ACTION: Notice of an addition to a public meeting notice.

SUMMARY: The Pacific Fishery Management Council (Council) will convene a public meeting of the Ad Hoc Vessel Monitoring System (VMS) Committee.

DATES: The Ad Hoc VMS Committee will meet Tuesday, October 7, 2003 beginning at 8:30 a.m. and continuing until business for the day is completed.

ADDRESSES: The meeting will be held in the West Conference Room at the Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 200, Portland, OR 97220-1384; telephone: (503) 820-2280.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Burner, Pacific Fishery Management Council Groundfish Staff Officer; telephone: (503) 820-2280.

SUPPLEMENTARY INFORMATION: The initial notification of this meeting was published in the *Federal Register* on September 15, 2003, (68 FR 53966). The following addition is being made to the agenda:

We will discuss the adoption of transiting only requirements for fixed gear vessels in the non-trawl RCA.

All other information previously published remains the same.

Dated: September 15, 2003.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 03-23992 Filed 9-18-03; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF DEFENSE

Department of the Navy

Meeting of the Board of Visitors of Marine Corps University

AGENCY: Department of the Navy, DOD.

ACTION: Notice of open meeting.

SUMMARY: The Board of Visitors of the Marine Corps University (BOV MCU) will meet to review, develop and provide recommendations on all aspects of the academic and administrative policies of the University; examine all aspects of professional military education operations; and provide such oversight and advice as is necessary to facilitate high educational standards and cost effective operations. The Board will be discussing the 2005 accreditation process and the quality enhancement plan, the University's Strategic Plan and Mission Statement, the status of Academic Chairs, Senior Leader Development Program, as well as electing a new Chair and Secretary of the Board. All sessions of the meeting will be open to the public.

DATES: The meeting will be held on Thursday, October 9, 2003, from 8 a.m. to 5 p.m. and on Friday, October 10, 2003, from 8 a.m. to 11:15 a.m.

ADDRESSES: The meeting will be held at the Parris Island, South Carolina, Osprey Inn (Bachelor's Officer Quarters) Osprey Conference Room. The address is Building 289, Parris Island, South Carolina 29905.

FOR FURTHER INFORMATION CONTACT: Mary Lanzillotta, Executive Secretary, Marine Corps University Board of Visitors, 2076 South Street, Quantico, Virginia 22134, telephone number (703) 784-4037.

Dated: September 9, 2003.

E.F. McDonnell,

Major, U.S. Marine Corps, Federal Register Liaison Officer.

[FR Doc. 03-23911 Filed 9-18-03; 8:45 am]

BILLING CODE 3810-FF-P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Partially Exclusive License; Unique Technologies, Inc.

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The Department of the Navy gives notice of its intent to grant Unique Technologies, Inc., a revocable, nonassignable, partially exclusive license, with exclusive fields of use in commercial and residential bactericide and fungicide, commercial and residential decontamination, fuel additive, post harvest preservation, pre-emergent, fuel additives and frost mediation, in the United States to practice the Government-Owned inventions, U.S. Patent Application Serial Number 10/283,352 entitled "Nitrate-Hydrogen Peroxide Chemical Adducts and Use thereof", U.S. Patent Number 6,165,295 entitled "Gas-Generating Liquid Compositions (PERSOL 1)" and U.S. Patent Number 6,230,491 entitled "Gas-Generating Liquid Compositions (PERSOL 1)."

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, not later than October 10, 2003.

ADDRESSES: Written objections are to be filed with Indian Head Division, Naval Surface Warfare Center, Code OC4, 101 Strauss Avenue, Indian Head, MD 20640-5035.

FOR FURTHER INFORMATION CONTACT: Dr. J. Scott Deiter, Head, Technology Transfer Office, Naval Surface Warfare Center Indian Head Division, Code 05T, 101 Strauss Avenue, Indian Head, MD 20640-5035, telephone (301) 744-6111.

Dated: September 10, 2003.

E.F. McDonnell,

Major, U.S. Marine Corps, Federal Register Liaison Officer.

[FR Doc. 03-23912 Filed 9-18-03; 8:45 am]

BILLING CODE 3810-FF-P

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services; List of Correspondence

AGENCY: Department of Education.

ACTION: List of correspondence from April 1, 2003 through June 30, 2003.

SUMMARY: The Secretary is publishing the following list pursuant to section 607(d) of the Individuals with

Disabilities Education Act (IDEA). Under section 607(d) of IDEA, the Secretary is required, on a quarterly basis, to publish in the **Federal Register** a list of correspondence from the Department of Education received by individuals during the previous quarter that describes the interpretations of the Department of Education of the IDEA or the regulations that implement the IDEA.

FOR FURTHER INFORMATION CONTACT: Melisande Lee or JoLeta Reynolds. Telephone: (202) 205-5507 (press 3).

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

Individuals with disabilities may obtain a copy of this notice in an alternative format (e.g., Braille, large print, audiotope, or computer diskette) on request to the contact persons listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION: The following list identifies correspondence from the Department issued from April 1, 2003 through June 30, 2003 with the exception of two letters, one dated March 17, 2003, which was inadvertently omitted from the 1st Quarter list, and one dated August 1, 2003, which relates to the subject matter of the March 17, 2003 letter.

Included on the list are those letters that contain interpretations of the requirements of the IDEA and its implementing regulations, as well as letters and other documents that the Department believes will assist the public in understanding the requirements of the law and its regulations. The date and topic addressed by a letter are identified, and summary information is also provided, as appropriate. To protect the privacy interests of the individual or individuals involved, personally identifiable information has been deleted, as appropriate.

Part A—General Provisions

Section 602—Definitions

Topic Addressed: Child With a Disability

- Letter dated June 30, 2003 to individual (personally identifiable information redacted), clarifying that although neither the IDEA nor its implementing regulations require that students who are deaf or hard of hearing be assessed to determine their American Sign Language (ASL) skills or proficiency, the individualized education program (IEP) may specify that certain assessment methods be used

to assess the student's proficiency in ASL.

Section 603—Office of special education programs

Topic Addressed: Responsibilities of the Office of Special Education Programs

- Letter dated April 16, 2003 to the National Council on Disability General Counsel Jeff Rosen, regarding the efforts of the Office of Special Education Programs (OSEP) to focus its monitoring system on better outcomes for infants, toddlers, children and youth with disabilities and their families.

- OSEP memorandum 03-5 dated April 8, 2003 to Chief State School Officers and Lead Agency Directors, regarding OSEP's implementation of the Continuous Improvement and Focused Monitoring System to target resources on those performance issues most closely related to improved results for children with disabilities and to those States most in need of improvement on those performance issues.

Part B—Assistance for Education of all Children with Disabilities

Section 611—Authorization; Allotment; Use of Funds; Authorization of Appropriations

Section 619—Preschool Grants

Topic Addressed: Allocation of Grants

- OSEP memorandum 03-7 dated April 15, 2003 to State Directors of Special Education, regarding calculating State grants and the determination of the age cohort for which each State ensures the availability of a free appropriate public education (FAPE).

Section 612—State Eligibility

Topic Addressed: Free Appropriate Public Education

- Letter dated June 27, 2003 to individual (personally identifiable information redacted), clarifying whether Federal funds provided under the IDEA can be used to pay tuition at public or private State-approved special education programs designed to offer parents alternate State-approved school placement options.

Topic Addressed: Least Restrictive Environment

- Letter dated June 26, 2003 to Maryland Disability Law Center Managing Attorney Leslie S. Margolis, clarifying that OSEP does not intervene in State decisions regarding construction of new schools and that there are no statutory or regulatory provisions which require a State to take certain steps before concluding there is

no viable alternative to construction of a new separate facility.

Topic Addressed: State Educational Agency General Supervisory Authority

- Letter dated June 25, 2003 to individual (personally identifiable information redacted), clarifying the State Educational Agency's general supervisory responsibilities and explaining that the IDEA and its implementing regulations do not (1) specify the manner or method in which a State educational agency (SEA) must conduct an independent onsite-investigation of a complaint or (2) require that students with disabilities attain particular graduation rates for a State to meet its obligations under the IDEA.

Topic Addressed: Participation of Children with Disabilities in State and District-Wide Assessments

- Letter dated June 26, 2003 to individual (personally identifiable information redacted), regarding (a) participation by students placed in private schools or facilities in State and district-wide assessments and in alternate assessments; (b) the appropriate configuration and authority of the IEP team; (c) the provision of direct services by the SEA and remedies available under State complaint procedures; (d) the filing of a State complaint in an alternative format and the completeness of a complaint investigation; and (e) procedural safeguards for parents with disabilities.

- Letter dated April 10, 2003 to New York State Education Department Deputy Commissioner Lawrence Gloeckler, regarding a State's ability to (1) determine what accommodations in administration invalidate a test or a part thereof and (2) provide appropriate direction to school districts and IEP teams on issues including the design and constructs measured by various required tests, which accommodations and modifications in administration are valid, and which accommodations and modifications would invalidate the assessment or part of the assessment.

Section 613—Local Educational Agency Eligibility

Topic Addressed: Charter Schools

- Letter dated April 4, 2003 to Hawaii Department of Education Special Education Director Debra Farmer, clarifying the State's obligations, under its unitary school system and parental choice programs, to provide a FAPE to students with disabilities whose parents choose to place them in a charter school.

Section 614—Evaluations, Eligibility Determinations, Individualized Education Programs, and Educational Placements

Topic Addressed: Evaluations and Reevaluations

- Letter dated June 26, 2003 to Maryland Department of Education Assistant State Superintendent Carol Ann Baglin, clarifying that (1) the determination of whether a child suspected of having a specific learning disability is a child with a disability must be made by the parents and a team of qualified professionals and (2) it would not be inconsistent with the IDEA for a State to require that the child's parent be afforded the opportunity to provide a statement presenting his or her conclusion regarding the determination of eligibility.

- Letter dated April 10, 2003 to New York State Education Department Deputy Commissioner Lawrence Gloeckler, clarifying that (1) the IDEA statute and Part B regulations reflect the clear and unequivocal intent of Congress to support parents' rights to choose whether their children would be enrolled initially in special education and (2) an individual parent's refusal to consent to the initial provision of special education and related services relieves the State's obligation to provide FAPE to that child until the parent provides that consent.

Topic Addressed: Individualized Education Programs

- Letter dated June 4, 2003 to individual (personally identifiable information redacted), regarding the audio or video recording of IEP meetings.

- Letter dated April 2, 2003 to Sonja D. Kerr, Esq., clarifying that neither the IDEA nor the final regulations (1) address the "write-up" of the IEP (whether or not parents must be physically present when the IEP is written is a State issue) or (2) prohibit the parties from using an IEP developed during a conciliation conference or from making offers of settlement or submitting such settlement offers to a hearing officer or court.

Section 615—Procedural Safeguards

Topic Addressed: Manifestation Determination Review

- Letter dated August 1, 2003 to Vermont Department of Education Legal Counsel Geoffrey A. Yudien, clarifying that (1) nothing in the IDEA statute or regulations limits a manifestation determination review only to the

disability that served as the basis for the eligibility determination and (2) the ten-day timeline set forth in 34 CFR 300.523(a)(2) is not intended to preclude the IEP team from making an appropriate determination that additional evaluations must be completed in order to make a manifestation determination.

- Letter dated March 17, 2003 to New Hampshire Department of Education Consultant Terry Brune, clarifying that, while the IDEA statute and regulations do not address the issue of conducting more than one manifestation determination review for the same incidence of behavior, any new information regarding the incident could be used as a basis for an IEP meeting to reexamine the student's program and placement.

Part C—Infants and Toddlers with Disabilities

Section 636—Individualized Family Service Plan

Topic Addressed: Early Intervention Services

- Letter dated June 30, 2003 to individual (personally identifiable information redacted), clarifying that the regulations implementing Part C require that (1) written parental consent be obtained before conducting the initial evaluation and placement of a child and before initiating the provision of early intervention services and (2) there is no provision authorizing public agencies to use mediation or due process procedures to override a parent's refusal to consent to the initial provision of early intervention or special education and related services.

Section 641—State Interagency Coordinating Council

Topic Addressed: State Interagency Coordinating Council

- OSEP memorandum 03-6 dated April 15, 2003, regarding the requirements for submitting annual performance reports, and clarifying that a single report can be used to satisfy both the Education Department General Regulations and the Part C Interagency Coordinating Council reporting requirements.

Electronic Access to This Document

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at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

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(Catalog of Federal Domestic Assistance Number 84.027, Assistance to States for Education of Children with Disabilities).

Dated: September 16, 2003.

Robert H. Pasternack,
Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 03-23975 Filed 9-18-03; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER03-262-001, et al.]

Order Announcing Commission Inquiry Into Midwest ISO-PJM RTO Issues

Issued September 12, 2003

Before Commissioners: Pat Wood, III, Chairman; William L. Massey and Nora Mead Brownell.

In the matter of: ER03-262-001, ER03-262-004, ER03-262-005, ER03-262-007, EC98-40-000, ER98-2770-000, ER98-2786-000, EL02-65-006, EL02-65-000 *et al.*, RT01-88-016; The new PJM Companies: American Electric Power Service Corp.; On behalf of its operating companies: Appalachian Power Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, and Wheeling Power Company, Commonwealth Edison Company, and Commonwealth Edison Company of Indiana, Inc. The Dayton Power and Light Company, and PJM Interconnection, LLC, American Electric Power Company, Inc., and Central and South West Corporation, Ameren Services Company, Illinois Power Company.

1. In various proceedings and at a recent technical conference in Wilmington, Delaware,¹ several Midwest and Mid-Atlantic states have supported efforts by their utilities to increase regional coordination by joining regional transmission

¹ This regional technical conference was held on August 28, 2003. See Notice on ("continued") Technical Conference dated August 19, 2003, Remedying Undue Discrimination through Open Access Transmission Service and Standard Electricity Market Design, Docket No. RM01-12-000.