

■ For the reason set forth above, the final rule published on September 25, 2003 (68 FR 55299–55304), FR Doc. 03–24177, is corrected as follows:

■ 1. On page 55303, in the third column, revise § 1951.954(b)(3) to read as follows:

**§ 1951.954 Eligibility and loan limitation requirements.**

\* \* \* \* \*

(b) \* \* \*

(3) The amount set-aside may not exceed the amount of the first or second scheduled annual installment due after the disaster occurred.

\* \* \* \* \*

Signed in Washington, DC, on December 10, 2003.

**Floyd D. Gaibler,**

*Under Secretary for Farm and Foreign Agricultural Services.*

[FR Doc. 03–31002 Filed 12–15–03; 8:45 am]

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## DEPARTMENT OF COMMERCE

### Bureau of Economic Analysis

#### 15 CFR Part 801

[Docket No. 030815201–3306–02]

RIN 0691–AA50

#### **International Services Surveys: BE–85, Quarterly Survey of Financial Services Transactions Between U.S. Financial Services Providers and Unaffiliated Foreign Persons**

**AGENCY:** Bureau of Economic Analysis, Commerce.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends 15 CFR 801.9 to set forth the reporting requirements for the BE–85, Quarterly Survey of Financial Services Transactions Between U.S. Financial Services Providers and Unaffiliated Foreign Persons.

The BE–85 survey will be conducted by the Bureau of Economic Analysis (BEA), U.S. Department of Commerce, under the International Investment and Trade in Services Survey Act, and under Section 5408 of the Omnibus Trade and Competitiveness Act of 1988. The first survey conducted under this rule will cover transactions in the first quarter of 2004. Data from the BE–85 survey are needed to monitor trade in financial services, analyze its impact on the U.S. and foreign economies, compile and improve the U.S. economic accounts, support U.S. commercial policy on financial services, conduct trade promotion, improve the ability of U.S. businesses to identify and evaluate

market opportunities, and for other Government uses.

The survey will cover the same financial services presently covered by the BE–82, Annual Survey of Financial Services Transactions Between U.S. Financial Services Providers and Unaffiliated Foreign Persons, which the BE–85 survey would replace, following a final annual data collection for 2003.

**EFFECTIVE DATE:** This final rule will be effective January 15, 2004.

**FOR FURTHER INFORMATION CONTACT:** Obie G. Whichard, Chief, International Investment Division (BE–50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; or via the Internet at *obie.whichard@bea.gov* (Telephone (202) 606–9890).

**SUPPLEMENTARY INFORMATION:** In the August 29, 2003, **Federal Register**, (68 FR 51939–51941), BEA published a notice of proposed rulemaking setting forth reporting requirements for the BE–85, Quarterly Survey of Financial Services Transactions Between U.S. Financial Services Providers and Unaffiliated Foreign Persons. No comments on the proposed rule were received. Thus, the proposed rule is adopted without change.

The Bureau of Economic Analysis (BEA), U.S. Department of Commerce, will conduct the survey under the International Investment and Trade in Services Survey Act (22 U.S.C. 3101–3108), and under Section 5408 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4908). Section 4(a) of the Act (22 U.S.C. 3103(a)) provides that the President shall, to the extent he deems necessary and feasible, conduct a regular data collection program to secure current information related to international investment and trade in services and publish for the use of the general public and United States Government agencies periodic, regular, and comprehensive statistical information collected pursuant to this subsection. In Section 3 of Executive Order 11961, as amended by Executive Order 12518, the President delegated authority granted under the Act as concerns international trade in services to the Secretary of Commerce, who has redelegated that authority to BEA.

The major purposes of the survey are to monitor trade in financial services, analyze its impact on the U.S. and foreign economies, compile and improve the U.S. economic accounts, support U.S. commercial policy on financial services, conduct trade promotion, and improve the ability of U.S. businesses to identify and evaluate market opportunities.

BEA will conduct the BE–85 survey on a quarterly basis beginning with the first quarter of 2004. BEA will send the survey to potential respondents in March of 2004. Responses will be due by May 15, 2004. The survey will update the data provided on the universe of financial services transactions between U.S. financial services providers and unaffiliated foreign persons. Reporting is required from U.S. financial services providers whose sales of covered services to unaffiliated foreign persons exceeded \$20 million for the previous fiscal year or that expect such sales to exceed that amount during the current fiscal year, or whose purchases of covered services from unaffiliated foreign persons exceeded \$15 million for the previous fiscal year or that expect such purchases to exceed that amount during the current fiscal year. Financial services providers meeting any of these criteria must supply data on the amount of their sales or purchases for each covered type of service, disaggregated by country. U.S. financial services providers that do not meet the mandatory reporting requirements are requested to provide voluntary estimates of their total sales or purchases of each type of financial service.

#### **Executive Order 12866**

This final rule is not significant for purposes of E.O. 12866.

#### **Executive Order 13132**

This final rule does not contain policies with Federalism implications as that term is defined in E.O. 13132.

#### **Paperwork Reduction Act**

The collection of information required in this final rule has been approved by the Office of Management and Budget under the Paperwork Reduction Act.

Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection displays a currently valid OMB Control Number; such a Control Number (0608–0065) will be displayed.

The BE–85 survey is expected to result in the filing of reports containing mandatory data from about 55 respondents on a quarterly basis, or 220 responses annually. The average burden for completing the BE–85 is estimated to be 10 hours. Thus, the total respondent burden of the survey is estimated at 2,200 hours (220 responses times 10 hours average burden). The actual burden will vary from reporter to

reporter, depending upon the number and variety of their financial services transactions and the ease of assembling the data. Thus, for each quarter it may range from 4 hours for a reporter that has a small number and variety of transactions and easily accessible data to 100 hours for a very large reporter that engages in a large number and variety of financial services transactions and has difficulty in locating and assembling the required data. This estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Comments are requested concerning: (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 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. Comments should be addressed to: Director, Bureau of Economic Analysis (BE-1), U.S. Department of Commerce, Washington, DC 20230; or faxed (202-395-7245) or e-mailed ([pbugg@omb.eop.gov](mailto:pbugg@omb.eop.gov)) to the Office of Management and Budget, O.I.R.A., (Attention PRA Desk Officer for BEA).

#### Regulatory Flexibility Act

The Chief Counsel for Regulation, Department of Commerce, has certified to the Chief Counsel for Advocacy, Small Business Administration, under provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the proposed rule would not have a significant economic impact on a substantial number of small entities. A summary of the factual basis for this cert was published in the proposed rule and is not repeated here. No comments were received on the economic impact of the rule. As a result, no final regulation flexibility analysis was prepared.

#### List of Subjects in 15 CFR Part 801

Economic statistics, Foreign trade, International transactions, Penalties, Reporting and recordkeeping requirements.

Dated: November 24, 2003.

#### J. Steven Landefeld,

Director, Bureau of Economic Analysis.

■ For the reasons set forth in the preamble, BEA amends 15 CFR part 801, as follows:

### PART 801—SURVEY OF INTERNATIONAL TRADE IN SERVICES BETWEEN U.S. AND FOREIGN PERSONS

■ 1. The authority citation for 15 CFR part 801 continues to read as follows:

**Authority:** 5 U.S.C. 301; 15 U.S.C. 4908; 22 U.S.C. 3101–3108; E.O. 11961, 3 CFR, 1977 Comp., p. 86 as amended by E.O. 12013, 3 CFR, 1977 Comp., p. 147, E.O. 12318, 3 CFR, 1981 Comp., p. 173, and E.O. 12518, 3 CFR, 1985 Comp., p. 348.

■ 2. Section 801.9 is amended by adding new paragraph (c)(4) to read as follows:

#### § 801.9 Reports required.

\* \* \* \* \*

(c) *Quarterly surveys.* \* \* \*

(4) BE-85, Quarterly Survey of Financial Services Transactions Between U.S. Financial Services Providers and Unaffiliated Foreign Persons:

(i) A BE-85, Quarterly Survey of Financial Services Transactions Between U.S. Financial Services Providers and Unaffiliated Foreign Persons, will be conducted covering the first quarter of the 2004 calendar year and every quarter thereafter.

(A) *Who must report—(1) Mandatory reporting.* Reports are required from each U.S. person who is a financial services provider or intermediary, or whose consolidated U.S. enterprise includes a separately organized subsidiary or part that is a financial services provider or intermediary, and that had sales of covered services to unaffiliated foreign persons that exceeded \$20 million for the previous fiscal year or expects sales to exceed that amount during the current fiscal year, or had purchases of covered services from unaffiliated foreign persons that exceeded \$15 million for the previous fiscal year or expects purchases to exceed that amount during the current fiscal year. These thresholds should be applied to financial services transactions with unaffiliated foreign persons by all parts of the consolidated U.S. enterprise combined that are financial services providers or intermediaries. Because the thresholds are applied separately to sales and purchases, the mandatory reporting requirement may apply only to sales, only to purchases, or to both sales and purchases.

(i) The determination of whether a U.S. financial services provider or intermediary is subject to this mandatory reporting requirement may be based on the judgement of knowledgeable persons in a company who can identify reportable transactions on a recall basis, with a reasonable

degree of certainty, without conducting a detailed manual records search.

(ii) Reporters who file pursuant to this mandatory reporting requirement must provide data on total sales and/or purchases of each of the covered types of financial services transactions and must disaggregate the totals by country.

(2) *Voluntary reporting.* If a financial services provider or intermediary, or all of a firm's subsidiaries or parts combined that are financial services providers or intermediaries, had covered sales of \$20 million or less, or covered purchases of \$15 million or less during the previous fiscal year, and if covered sales or purchases are not expected to exceed these amounts in the current fiscal year, a person is requested to provide an estimate of the total for each type of service for the most recent quarter. Provision of this information is voluntary. The estimates may be based on the reasoned judgement of the reporting entity. Because these thresholds apply separately to sales and purchases, voluntary reporting may apply only to sales, only to purchases, or to both.

(B) *BE-85 definition of financial services provider.* The definition of financial services provider used for this survey is identical in coverage to Sector 52—Finance and Insurance—of the North American Industry Classification System, United States, 2002. For example, companies and/or subsidiaries and other separable parts of companies in the following industries are defined as financial services providers: Depository credit intermediation and related activities (including commercial banking, holding companies, savings institutions, check cashing, and debit card issuing); nondepository credit intermediation (including credit card issuing, sales financing, and consumer lending); securities, commodity contracts, and other financial investments and related activities (including security and commodity futures brokers, dealers, exchanges, traders, underwriters, investment bankers, and providers of securities custody services); insurance carriers and related activities (including agents, brokers, and services providers); investment advisors and managers and funds, trusts, and other financial vehicles (including mutual funds, pension funds, real estate investment trusts, investors, stock quotation services, etc.).

(C) *Covered types of services.* The BE-85 survey covers the following types of financial services transactions (purchases and/or sales) between U.S. financial services providers and unaffiliated foreign persons: Brokerage

services, including foreign exchange brokerage services; underwriting and private placement services; financial management services; credit-related services, except credit card services; credit card services; financial advisory and custody services; security lending services; electronic funds transfers; and other financial services.

(ii) [Reserved]

\* \* \* \* \*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Parts 4 and 5

[Docket No. RM02-16-000]

#### Hydroelectric Licensing Under the Federal Power Act; Correction

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Final rule; correction.

**SUMMARY:** The Federal Energy Regulatory Commission is correcting the final rule concerning the process for hydroelectric licensing under the Federal Power Act that was published on August 25, 2003.

**EFFECTIVE DATE:** October 24, 2003.

**FOR FURTHER INFORMATION CONTACT:** John Clements, 202-502-8070.

**SUPPLEMENTARY INFORMATION:** The final rule published on August 25, 2003, at 68 FR 51070 is corrected as follows:

#### PART 4—LICENSES, PERMITS, EXEMPTIONS, AND DETERMINATION OF PROJECT COSTS

##### § 4.41 [Corrected]

■ 1. On page 51120, in the first column, the text of § 4.41(h), is corrected as follows: In the eighth sentence, remove the phrase “or each” and add in its place the phrase “of each.”

#### PART 5—INTEGRATED LICENSE APPLICATION PROCESS

##### § 5.1 [Corrected]

■ 2. On page 51121, in the second column, in the text of § 5.1(b), remove the words “parte” and “part” and add in their place the word “chapter”.

##### § 5.5 [Corrected]

■ 3. On page 51123, in the third column, in the text of § 5.5(b), introductory sentence, remove the phrase “a letter” and add in its place the phrase “an original and eight copies of a letter”.

■ 4. On page 51123, in the third column, in the text of § 5.5(c), remove the phrase “tribes, and” and add in its place the phrase “tribes, local governments, and”.

##### § 5.6 [Corrected]

■ 5. On page 51124, in the first column, in the text of § 5.6(a)(1), remove the phrase “Commission and” and add in its place the phrase “Commission and original and eight copies and”.

■ 6. On page 51127, in the first column, in the text of § 5.6(d)(4), remove the phrase “paragraphs (d)(1) and (d)(2)” and add in its place the phrase “paragraph (d)(3)”.

##### § 5.9 [Corrected]

■ 7. On page 51128, in the second column, in the text of § 5.9(c), following the word “incur”, remove the word “and” and add in its place the phrase “in order to”.

##### § 5.18 [Corrected]

■ 8. On page 51131, in the third column, in the text of § 5.18(a)(5)(iii), remove the phrase “A, F, and G” and add in its place the phrase “A, B, C, D, F, and G”.

##### § 5.19 [Corrected]

■ 9. On page 51135, in the third column, in the text of § 5.19, remove § 5.19(d) and redesignate § 5.19(e) as § 5.19(d).

**Magalie R. Salas,**  
*Secretary.*

[FR Doc. 03-30932 Filed 12-15-03; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 1

[Docket No. 2002N-0278]

#### Guidance for Industry: Questions and Answers on the Interim Final Rule on Prior Notice of Imported Food; Availability

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice of availability of guidance.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the availability of a guidance entitled “Prior Notice of Imported Food, Questions and Answers.” The guidance responds to various questions raised about the section 307 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (the Bioterrorism Act) and the agency’s

implementing regulations that require, beginning on December 12, 2003, prior notice to FDA before food is imported or offered for import into the United States.

**DATES:** Submit written or electronic comments on the agency guidance at any time.

**ADDRESSES:** Submit written requests for single copies of the guidance to the Prior Notice Help Desk, phone 1-800-216-7331 or 301-575-0156, or Fax 301-210-0247. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

Submit written comments on the guidance to the Division of Dockets Management (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:** Domenic Veneziano, Office of Regulatory Affairs (HFC-100), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 781-596-7785.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

In the **Federal Register** of October 10, 2003 (68 FR 58974), FDA issued an interim final rule to implement section 307 of the Bioterrorism Act. The prior notice regulations require, beginning on December 12, 2003, notification to FDA before food (including animal feed) is imported or offered for import into the United States. This guidance responds to questions raised about the interim final rule on prior notice, and it is intended to help the industry better understand and comply with the regulations.

FDA is issuing the guidance entitled “Prior Notice of Imported Food, Questions and Answers” as a Level 1 guidance. Consistent with FDA’s good guidance practices regulation (21 CFR 10.115), the agency will accept comment, but it is implementing the guidance document immediately, in accordance with § 10.115(g)(2), because the agency has determined that prior public participation is not feasible or appropriate. FDA is under a strict statutory deadline in which to implement these regulations.

##### II. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments on the guidance at any time. Two copies of any mailed comments are to be submitted, except that individuals may submit one copy. Comments are to