

Dated: May 6, 2003.

Robert H. Pasternack,

Assistant Secretary for Special Education and Rehabilitative Services.

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ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6639-9]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564-7167 or <http://www.epa.gov/compliance/nepa/>.

Weekly receipt of Environmental Impact Statements

Filed April 28, 2003 through May 2, 2003

Pursuant to 40 CFR 1506.9.

EIS No. 030193, Draft EIS, AFS, CA, Spalding Land Exchange Project, Proposed Land Exchange between Spalding Community Service District (SCSD) and Lassen National Forest (LNF), Special Use Permit, Lassen County, CA, Comment Period Ends: June 23, 2003, Contact: Lois Charlton (530) 257-2151.

EIS No. 030194, Draft EIS, AFS, SD, Sioux Ranger District Oil and Gas Leasing Project, Implementation, Sioux Ranger District, Custer National Forest, Harding County, SD, Comment Period Ends: July 8, 2003, Contact: Laurie Waters-Clark (605) 707-4432. The U.S. Department of Agriculture, Forest Service and the U.S. Department of the Interior, Bureau of Land Management are Joint Lead Agencies on the above project. This document is available on the Internet at: [http://\(www.fs.fed.us/r1/custer/](http://(www.fs.fed.us/r1/custer/).

EIS No. 030195, Final Supplement, COE, TX, Dallas Floodway Extension, Flood Damage Reduction and Environmental Restoration, Implementation, Trinity River Basin, Dallas County, TX, Wait Period Ends: June 9, 2003, Contact: Gene T. Rice, Jr. (817) 886-1374.

EIS No. 030196, Draft EIS, AFS, MN, Chippewa and Superior National Forests Land and Resource Management Plans Revision, Implementation, Beltrami, Cass, Itasca, Cook, Lake and St. Louis Counties, MN, Comment Period Ends: August 6, 2003, Contact: Duane Lula (218) 626-4300. This document is available on the Internet at: <http://www.fs.fed.us/r9/chippewa/plan/planning.htm>.

EIS No. 030197, Final EIS, FHW, MI, US-31 Petoskey Area Improvement Study, Congestion Reduction on US-31 in the City of Petoskey and Resport and Bear Creek Townships, Funding and US Army COE Section 404 Permit Issuance, Emmet County, MI, Wait Period Ends: June 9, 2003, Contact: James A. Kirschensteiner (517) 702-1835.

EIS No. 030198, Draft EIS, AFS, NV, Jarbidge Canyon Project, To Implement a Road Management Plan and Construct a Water Projects along the Charleston-Jarbidge Road, and Reconstruct the South Canyon Road, Humboldt-Toiyabe National Forest, Jarbidge Ranger District, ELko County, NV, Comment Period Ends: June 23, 2003, Contact: Jim Winfrey (778) 778-0229.

EIS No. 030199, Final EIS, COE, TX, Three Oaks Mine Project, Construction and Operation of a Surface Lignite Mine, U.S. Army COE Section 404 Permit Issuance, Lee and Bastrop Counties, TX, Wait Period Ends: June 23, 2003, Contact: Jennifer Walker (817) 886-1733.

EIS No. 030200, Draft EIS, DOD, Programmatic EIS—Chemical and Biological Defense Program, To Protect our Soldiers, Sailors, Marines and Airmen on the Battlefield, United States and other Countries, Comment Period Ends: June 23, 2003, Contact: Jolane Souris (301) 619-2004.

EIS No. 030201, Final EIS, USN, CA, Advanced Amphibious Assault Vehicle (AAAV) Development, Replacement and Establishment, Implementation, Del Mar Basin Area of Marine Base Corps (MCB) Camp Pendelton, San Diego County, CA, Wait Period Ends: June 9, 2003, Contact: Lisa Seneca (619) 532-4744.

EIS No. 030202, Final EIS, DOE, AZ, ID, NV, OR, WY, CA, MT, NM, UT, Fish and Wildlife Implementation Plan, To Implement and Fund a Policy Directions for Fish and Wildlife Mitigation and Recovery, Pacific Northwest, AZ, CA, ID, MT, NV, NM, OR, UT, WY and British Columbia, Wait Period Ends: June 9, 2003, Contact: Charles Alton (503) 230-5878.

EIS No. 030203, Final EIS, AFS, AK, Cholmondeley Timber Sales, Implementation, Harvesting Timber, Tongass Forest Plan, Tongass National Forest, Craig Ranger District, West of Ketchikan and South of Prince of Wales Island, AK, Wait Period Ends: June 9, 2003, Contact: Dale Kanen (907) 826-3211.

EIS No. 030204, Draft EIS, STB, TX, Bayport Loop Rail Line Project, Construction and Operation, between

Bayport Loop and the former Galveston, Houston, Henderson Railroad Rail Line, Houston, Harris County, TX, *Comment Period Ends: June 23, 2003, Contact: Dana White (888) 229-7857. This document is available on the Internet at: <http://www.stb.dot.gov>.*

EIS No. 030205, Final EIS, NPS, FL, Biscayne National Park General Management Plan Amendment, Evaluation of the Effects of Several Alternatives for the Long-Term Management Plan, Stillsville, Biscayne National Park, Homestead, Miami-Dade County, FL, Wait Period Ends: June 9, 2003, Contact: Linda Canzanell (305) 230-1144.

EIS No. 030206, Draft EIS, NOA, LA, Programmatic EIS—The Louisiana Regional Restoration Planning Program, To Establish and Implement Natural Resource Trust Mandates, LA, Comment Period Ends: July 9, 2003, Contact: William Conner (301) 713-3038 Ext 190. This document is available on the Internet at: <http://www.darp.noaa.gov/>.

EIS No. 030208, Final EIS, AFS, ID, Golden Hand No. 3 and No. 4 Lode Mining Claims Plan of Operations Approval, Implementation, Frank Church-River of No Return (FC-RONR) Wilderness, Payette National Forest, Krassel Ranger District, Valley County, ID, Wait Period Ends: June 9, 2003, Contact: Quinn Carver (208) 634-0600. This document is available on the Internet at: <http://www.fs.fed/us/r4/payette/main.htm/>.

Dated: May 6, 2003.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

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ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6640-1]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564-7167.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in the

Federal Register dated April 01, 2003 (68 FR 16511).

Draft EISs

ERP No. D-AFS-E65038-FL Rating LO, USDA Forest Service and State of Florida Land Exchange Project, Assembled Exchange of both Fee, Ownership Parcels and Partial Interest Parcels, Baker, Citrus, Franklin, Hernando, Lake, Liberty, Okaloosa, Osceola, Santa Rosa and Sumter Counties, FL.

Summary: EPA supports the proposed objectives of land consolidation and has identified opportunities to improve upon the proposed action through additional mitigative commitments involving Tribal interests.

ERP No. D-AFS-F65039-WI Rating EC2, McCaslin Project, Vegetation Management Activities Consistent with Direction in the Nicolet Forest Plan, Lakewood/Laona District, Chequamegon-Nicolet National Forest, Oconto and Forest Counties, WI.

Summary: EPA expressed environmental concerns relating to adverse impacts from roads to water quality and habitat and forest fragmentation of wildlife. The final EIS should update the predicted percent decline from the preferred alternative on the Golden-Winged Warbler, a management indicator species.

ERP No. D-AFS-L65408-ID Rating EC2, Salmon-Challis National Forest Noxious Weed Management Program, Integrated Series of Weed Treatment and Non-Treatment Practices, Implementation, Custer, Lemhi, Butte and Blaine Counties, ID.

Summary: EPA expressed environmental concerns with the range of alternatives evaluated in detail and the continued reliance on strategies that focus on treatment of invasive weed species instead of strategies designed to prevent the spread of noxious weeds. EPA recommended that the final EIS further evaluate approaches to reduce the spread of invasive weeds and assess the environmental effects of using herbicides, grazing treatment options and effects of multi-chemical applications.

ERP No. D-AFS-L65416-ID Rating NS, Upper Bear Timber Sale Project, Fuel Reduction, Forest Vegetation and Roads Management, Payette National Forest, Council Ranger District, Adams County, ID.

Summary: Region 10 used a screening tool to conduct a limited review of this action. Based on this screen, EPA does not foresee having any environmental objections to the proposed project and will not be conducting a detailed review.

ERP No. D-AFS-L67042-OR Rating EO2, Steamboat Mountain Mining Operations, Surface Quarry or "Open Pit" Mineral Extraction, Plan-of-Operation Approval, Appelgate Adaptive Management Area, Rogue River National Forest, Applegate Ranger District, Jackson County, OR.

Summary: EPA expressed environmental objections with potential adverse impacts to water quality and aquatic resources. Existing mineral pyrite deposits pose a high risk for Acid Rock Drainage. Cumulative impacts from milling activities have not been well characterized. EPA recommends that the final EIS identify the location and potential impacts of secondary and tertiary milling processing, characterize bedrock and waste rock acid generating potential, and include a plan to prevent erosion at the mine site and along transport roads.

ERP No. D-AFS-L67044-ID Rating EC2, Golden Hand No. 3 and No. 4 Lode Mining Claims Plan of Operations Approval, Implementation, Frank Church-River of No Return (FC-RONR) Wilderness, Payette National Forest, Krassel Ranger District, Valley County, ID.

Summary: EPA expressed environmental concerns with potential environmental impacts to water quality, salmonids and wilderness resources. The final EIS should discuss connected actions and potential impacts associated with tailings disposal, further characterize and describe the use of waste rock, disclose post-mining land use objectives and implementation, provide a cost estimate for meeting post-closure objectives, predict compliance with water quality standards and include quality assurance protocols.

ERP No. D-BLM-J01079-WY Rating EC2, South Powder River Basin Coal Project, Application for Leasing of Five Federal Coal Tracts: NARO Tracts: NARO North and NARO South (North Antelope/Rochelle Mine Complex), Little Thunder (Black Thunder Mine), West Roundup (North Rochelle Mine), and West Antelope (Antelope Mine), Campbell and Converse Counties, WY.

Summary: EPA expressed environmental concerns about potential adverse impacts to air quality from fugitive dust and nitrogen oxides. In addition, EPA has concerns about the cumulative impact assessment, impacts to wetlands and sage grouse habitat.

ERP No. D-FHW-J40158-MT Rating EC2, I-15 Corridor Project, Transportation Improvements from Montana City to the Lincoln Road Interchange, Funding and U.S. Army COE Section 404 Permit Issuance,

Jefferson and Lewis & Clark Counties, MT.

Summary: EPA expressed environmental concerns regarding direct and indirect environmental impacts. EPA recommends the development of a detailed wetland mitigation plan, and consultation with the MDEQ to assure concurrence on proposed transportation improvements with TMDL development for Tenmile Creek and Silver Creek. Information is needed to fully assess and mitigate all potential impacts of the management actions.

ERP No. D-FRC-K05058-CA Rating EC2, EL Dorado Hydroelectric Project, Application for a New License, South Fork of the American River Basin and Truckee River Basin (FERC NO. 184-065), EL Dorado National Forest, Lake Tahoe Basin Management Unit, Alpine, Amador and El Dorado Counties, CA.

Summary: EPA expressed environmental concerns and requested additional information regarding impacts to threatened and endangered species and Tribal resources.

ERP No. D-JUS-G81011-TX Rating LO, Rio Grande Operation Project, Reduction or Elimination of Illegal Drug Activities and Illegal Immigrants, Starr, Hidalgo and Cameron Counties, TX.

Summary: EPA has no objection to the selection of the preferred alternative.

ERP No. D-JUS-K81028-CA Rating LO, Juvenile Justice Facility and East County Hall of Justice Development, Potential Construction of Both Projects on the Same Site or on Separate Sites, Alameda County, CA.

Summary: EPA had no objections to this project but recommended that the Federally preferred alternative be identified in the Final EIS.

ERP No. D-JUS-K99031-AZ Rating EO2, Programmatic EIS—US Border Patrol Activities within Border Areas of the Tucson and Yuma Sectors to Gain, Maintain, and Extend Control of the Border to Prevent Unlawful Entry of Persons into the US, Cochise, Santa Cruz, Pima and Yuma Counties, AZ.

Summary: EPA expressed environmental objections to the preferred alternative based on the project's significant environmental degradation of cultural/tribal resources, wetlands and water quality, wildlife habitat, endangered species, ecologically or historically unique areas and air quality, that should be corrected by project modification or implementation of other feasible alternatives. EPA also expressed concerns about potential impacts to human health and safety and transboundary environmental effects.

ERP No. D-NPS-F65038-OH Rating EC2, Cuyahoga Valley National Park

Rural Landscape Management Program, Rural Landscape Resources Preservation and Protection, Cuyahoga River, Cuyahoga and Summit Counties, OH.

Summary: EPA expressed environmental concerns regarding potential deer over grazing which damage native plant communities, herd health and the lack of invasive species control measures.

ERP No. DS-AFS-J65334-MT Rating EC2, Keystone-Quartz Ecosystem Management Plan, Implementation, Updated Information on Alternatives, Beaverhead-Deerlodge National Forest, Wise River Ranger District, Beaverhead County, MT.

Summary: While EPA supports the preferred alternative EPA expressed environmental concerns with recommended soil protection measures and recommends restoration and upgrading of existing low standard roads which can impact water quality.

ERP No. DS-AFS-J65353-MT Rating EC2, Threemile Stewardship Project, Additional Information concerning the Potential Effects on the Goshawk Habitat, Ashland Ranger District, Custer National Forest, Powder and Rosebud Counties, MT.

Summary: EPA does not object to the preferred alternative to harvest and thin timber, use prescribed fire and manage road systems. EPA did express environmental concerns with the disclosure project effects on Goshawk nest territories and implementation via stewardship contracting to adequately address environmental and ecological concerns.

ERP No. DS-FHW-E40183-FL Rating EC2, FL-23 Extension (Branan Field-Chaffee Road), Construction from FL-134 (103rd Street) to FL-8 (I-10) and FL-10(US-90/Beaver Street), NPDES and US Army COE Section 404 Permits Issuance, Clay and Duval Counties, FL.

Summary: EPA has environmental concerns with the project due primarily to a substantial direct impact to wetlands as well as potential impacts to air quality. EPA requests additional wetlands avoidance and minimization as well as further information regarding compensatory mitigation. An analysis of direct and cumulative impacts is also requested by EPA.

ERP No. DS-JUS-K81010-AZ Rating LO, Pinal County Private Detention Facility, Updated Information, Single Contract for Approximately 3,000 Beds, Possible Sites: Undeveloped Parcel of Land in the City of Eloy and the Existing Central Arizona Detention Center Located in Florence, Pinal County, AZ.

Summary: EPA has a lack of objections to the proposed project. Based on our review, it is unlikely that

implementation of the proposed action, with proposed mitigation measures, will result in significant adverse environmental impacts.

Final EISs

ERP No. F-BLM-J02039-MT, Montana Statewide Conventional Oil and Gas and Coal Bed Methane Gas Exploration and Development Management Plan within the Bureau of Land Management's Powder River and Billings Resources Management Plan Areas and the State of Montana, Implementation, MT.

Summary: While the final EIS addressed EPA's objections on disclosing environmental impacts, particularly for water quality issues, mitigation issues relating to air and water quality remain. These may be addressed in the Record of Decision (ROD). Long term mitigation implementation will be addressed by both the State of Montana and EPA in Region 8. Mitigation for coalbed methane development will be addressed by EPA as it meets its responsibilities for direct implementation and oversight of state and Tribal programs.

ERP No. F-BLM-J65358-WY, Powder River Basin Oil and Gas Project, Extraction, Transportation and Oil and Natural Gas Resources Sale, Application for a Permit to Drill (APD), Special Use Permit and Right-of-Way Grants, Campbell, Converse, Johnson and Sheridan Counties, WY.

Summary: While the final EIS addressed EPA's objections related to disclosing environmental impacts, particularly water quality, mitigation issues related to air and water remain and may be addressed in the Record of Decision (ROD). Implementation of long term mitigation will be addressed by both the State of Montana and EPA in Region 8 related to its direct implementation and oversight of state Tribal programs.

ERP No. F-BLM-L65371-OR, Rogue National Wild and Scenic River Hellgate Recreation Area (Applegate River to Grave Creek) Management Plan, Implementation, Bedford District, Josephine County, OR.

Summary: EPA continued to express environmental concerns that levels of recreation activity predicted under the preferred alternative may cause adverse impacts to wetlands and fishery resources. The selected alternative should achieve a better balance between visitors and recreation activities and impacts to the river ecosystem.

ERP No. F-COE-C30012-NJ, South River Raritan River Basin Hurricane and Storm Damage Reduction and

Ecosystem Restoration, Implementation, Middlesex County, NJ.

Summary: EPA continues to have outstanding environmental concerns with regards to wetland and air quality impacts.

ERP No. F-JUS-K80043-CA, Juvenile Justice Campus (JJC) Construction and Operation of a 1,400 Bed and Related Functions Facility, Conditional Use Permit, Fresno County, CA.

Summary: No formal comment letter was sent to the preparing agency.

ERP No. F-JUS-K80044-CA, Sacramento County Juvenile Hall Expansion Project, Accommodation of 90 New Beds in the Short-Term and 240 New Beds in the Long-Term, Sacramento County, CA.

Summary: No formal comment letter was sent to the preparing agency.

ERP No. F-NRS-H34029-MO, Little Otter Creek Watershed Plan, Installation of One Multi-Purpose Reservoir and Development of Basic Facilities for Recreational Use, Implementation, Caldwell County, MO.

Summary: EPA has no objection to the proposed watershed plan and appreciates the additional information provided in the FEIS concerning land acquisition, watershed conservation programs and aquatic habitat.

ERP No. FS-AFS-L65290-ID, North Lochsa Face Ecosystem Management Project, Updated Information on the Potential Effects of Vegetation and Aquatic Restoration Management, Clearwater National Forest, Lochsa Ranger District, Idaho County, ID.

Summary: No formal comment letter was sent to the preparing agency.

ERP No. FS-COE-H32002-00, Missouri River Fish and Wildlife Mitigation Project to Restore Fish and Wildlife Habitat Losses Resulting from Construction, Operation and Maintenance of the Missouri River Bank Stabilization and Navigation Project (BSNP), Missouri River, Sioux City, Iowa to the Mouth near St. Louis, NB, KS and MO.

Summary: EPA has no objections to the proposed action. EPA supports the Congressional land acquisition target of 166,750 acres, with associated habitat development. EPA recommended that the Record of Decision provide details of possible incentive-based land acquisition opportunities.

ERP No. FS-JUS-K81010-AZ, Pinal County Private Detention Facility, Updated Information, Single Contract for 3,000 Beds, Possible Sites: Undeveloped Parcel of Land in the City of Eloy or the Existing Central Arizona Detention Center in Florence, Pinal County, AZ.

Summary: No formal comment letter was sent to the preparing agency.

Dated: May 6, 2003.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

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ENVIRONMENTAL PROTECTION AGENCY

[OPP-2003-0162; FRL-7306-3]

Rhamnolipid Biosurfactant; Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by docket ID number OPP-2003-0162, must be received on or before June 9, 2003.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Denise Greenway, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-8263; e-mail address: greenway.denise@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS 111)
- Animal production (NAICS 112)
- Food manufacturing (NAICS 311)
- Pesticide manufacturing (NAICS 32532)

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also

be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPP-2003-0162. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. 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 Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305-5805.

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. 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 Unit I.B.1. Once in the system, select "search," then key in the appropriate docket ID 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. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic 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 Unit I.B.1. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

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 ID 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. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do