

Finally, the Department has noted that, in some unusual circumstances, the ASM-based formula established originally under the Stabilization Act would provide a greater level of compensation to a set-aside carrier than the 71 percent calculation based on the mean level of compensation for non set-aside carriers noted above. Because Congress afforded discretion to the Department in the Security Act to assist, not disadvantage, smaller carriers, we would provide compensation in this case based on the Stabilization Act formula, up to, but not to exceed, compensation for all air transportation-related losses.

## Regulatory Analyses and Notices

### Regulatory Assessment

This rulemaking is a nonsignificant regulatory action under section 3(f) of Executive Order 12866 and has not been reviewed by the Office of Management and Budget under that Order. This rule is also not significant under the regulatory policies and procedures of the Department of Transportation, 44 FR 11034.

This rule does not impose unfunded mandates or requirements that will have any impact on the quality of the human environment.

### Small Business Impact

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601 *et seq.*, was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by government regulations. The Act requires agencies to review proposed regulations that may have a significant economic impact on a substantial number of small entities. For purposes of this rule, small entities include approximately 50 small air carriers. The Department certifies that this rule does not have a significant economic impact on a substantial number of small entities because the rule will increase payouts to such a limited number of small air carriers. Therefore, an Initial Regulatory Flexibility Analysis has not been performed.

### Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

### Federalism Assessment

This proposed rule has been reviewed in accordance with the principles and criteria contained in Executive Order 13132 dated August 4, 1999, and it is determined that this action does not have a substantial direct effect on the

States, or the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. This rule will not limit the policymaking discretion of the State nor preempt any State law or regulation.

### Comment Period

The Department has shortened the comment period for this rule for good cause pursuant to 5 U.S.C. 553 (d)(3). First, this proposal will benefit a number of carriers by providing additional funds. Second, the shortened comment period will allow the Department to finalize the rule expeditiously, which will permit final payments to be made to these carriers sooner.

### List of Subjects in 14 CFR Part 330

Air carriers, Grant programs—Transportation, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Department proposes to amend 14 CFR part 330 as follows:

### PART 330—[AMENDED]

1. The authority citation for 14 CFR part 330 continues to read as follows:

**Authority:** Pub. L. 107–42, 115 Stat. 230 (49 U.S.C. 40101 note); sec. 124(d), Pub. L. 107–71, 155 Stat. 631 (49 U.S.C. 40101 note).

2. Revise § 330.43 (a) and (b) as follows:

#### § 330.43 What classes of air carriers are eligible under the set-aside?

\* \* \* \* \*

(a) You are a Class I air carrier if you are an air taxi, regional, commuter or indirect air carrier and you reported 75,000 or fewer ASMs to the Department for the month of August, 2001.

(b) You are a Class II air carrier if you are an air taxi, regional, commuter or indirect air carrier and you reported between 75,001 and 10 million ASMs to the Department for the month of August 2001.

3. Revise § 330.45 (b)(2) (i) and (ii) as follows:

#### § 330.45 What is the basis on which air carriers will be compensated under the set-aside?

\* \* \* \* \*

(b) \* \* \*

(2) As a Class II carrier, your compensation will be calculated using a graduated ASM rate equivalent to —

(i) The mean loss per ASM for all Class I carriers applying for compensation, for each of the first 75,000 ASMs reported; and

(ii) The mean remaining loss per ASM for all Class II carriers applying for compensation for each ASM in excess of 75,000.

\* \* \* \* \*

Issued in Washington, DC, this 1st day of May, 2003.

**Read C. Van de Water,**

*Assistant Secretary for Aviation and International Affairs.*

[FR Doc. 03–11185 Filed 5–1–03; 2:38 pm]

BILLING CODE 4910–62–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 1

[Docket Nos. 02N–0275 and 02N–0277]

### Proposed Regulations Implementing Title III of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002; Notice of Public Meeting; Correction

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

**ACTION:** Notice; satellite downlink public meeting; correction.

**SUMMARY:** The Food and Drug Administration (FDA) is correcting a document that appeared in the **Federal Register** of April 8, 2003 (68 FR 16998). The document announced a public meeting (via satellite downlink) to discuss the proposed regulations implementing two sections in Title III of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (the Bioterrorism Act) regarding maintenance and inspection of records for foods (Docket No. 02N–0277) and administrative detention (Docket No. 02N–0275). The document was published with inadvertent errors. This document corrects those errors.

**FOR FURTHER INFORMATION CONTACT:** Louis Carson, Center for Food Safety and Applied Nutrition (HFS–32), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 301–436–2277, FAX: 301–436–2605, e-mail: CFSAN-SS@cfsan.fda.gov.

**SUPPLEMENTARY INFORMATION:** In the FR Doc. 03–8576, appearing on page 16999 in the **Federal Register** of Tuesday, April 8, 2003, the following corrections are made:

1. On page 16999, beginning in the second column and ending in the third column, under table 1, under “Pre-event Test:” the last sentence is corrected to

read "This is a test of Galaxy 9, Transponder 23 only."

2. On page 16999, in the first column of the U.S. C-band settings chart, the U.S. transponder number "3" is corrected to read "23".

3. On page 16999, in the second column of the U.S. C-band settings chart, the U.S. polarization "Vertical" is corrected to read "Horizontal".

4. On page 16999, in the third column of the U.S. C-band settings chart, the U.S. channel number "3" is corrected to read "23".

5. On page 16999, in the fourth column of the U.S. C-band settings chart, the U.S. downlink frequency "3760 MHz" is corrected to read "4160 MHz".

Dated: April 28, 2003.

**Jeffrey Shuren,**

*Assistant Commissioner for Policy.*

[FR Doc. 03-10933 Filed 5-2-03; 8:45 am]

**BILLING CODE 4160-01-S**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### 25 CFR Part 170

#### Proposed Membership of the Negotiated Rulemaking Committee Under Section 1138 of the No Child Left Behind Act of 2001

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Proposed membership of negotiated rulemaking committee.

**SUMMARY:** As required by the Negotiated Rulemaking Act, the Secretary of the Interior has selected the proposed members of a committee to develop recommendations for proposed rules for Indian education under six sections of The No Child Left Behind Act of 2001. As required by Section 1138 of the No Child Left Behind Act of 2001, representatives of tribal and tribally-controlled schools [Tribes with Bureau-funded schools] were invited to nominate tribal representatives to serve on the committee. After considering nominations, the Secretary proposes to appoint the persons named in this

notice as tribal committee members. Tribes, tribal organizations, and individual tribal members may submit comments on the proposed tribal committee membership, apply for tribal membership on the committee, or submit other nominations for tribal membership on the committee. The Secretary also proposes to appoint Federal representatives to the committee, as listed.

**DATES:** Comments on the proposed tribal members of this negotiated rulemaking committee must be received no later than June 4, 2003.

**ADDRESSES:** Send nominations and comments to Starr Penland, Office of Indian Education Programs, Bureau of Indian Affairs, U.S. Department of the Interior, MS-3512-MIB, 1849 C Street NW., Washington, DC 20240, or by fax to 202-273-0030. Comments that we receive will be available for inspection at the address listed above from 9 a.m. to 4 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Catherine Freels, Designated Federal Official, Office of the Southwest Regional Solicitor, 505 Marquette Avenue, Suite 1800, Albuquerque, New Mexico, or by telephone at (505) 248-5605. We will post additional information as it becomes available on the Office of Indian Education Programs Web site at <http://www.oiep.bia.edu>.

**SUPPLEMENTARY INFORMATION:** Section 1138 of The No Child Left Behind Act of 2001 (Pub. L. 107-110) requires the Secretary to follow a negotiated rulemaking process to issue regulations under six sections of the Act. (These sections are: 1116(g), 1124, 1127, 1130, 1136, and 1043.) Section 1138 of the Act requires that in establishing this committee, the Secretary must follow the procedures of negotiated rulemaking under subchapter III of chapter 5 of title 5 (the Negotiated Rulemaking Act) in a manner that:

(1) Reflects the unique government-to-government relationship between the Indian tribes and the United States;

(2) Ensures that the membership of the committee includes only representatives of the Federal Government and of tribes; and

(3) To the extent possible, allots tribal representation based upon the tribes' proportionate share of the total enrollment in BIA schools.

We conducted 14 regional consultation meetings in August and September 2002 to obtain guidance on the proposed rulemaking. Through the meetings and through comments we received, we identified interests that would be significantly affected by the final rule. In selecting committee members, the Secretary has considered these interests.

The Secretary has determined that the proper functioning of the committee requires that the committee be limited to no more than the 25 members recommended by the Negotiated Rulemaking Act (5 U.S.C. 565). The Secretary has selected 19 tribal representatives and 6 Federal representatives for the committee, for a proposed total of 25 members.

The Secretary finds that the proposed tribal representatives for the committee:

(1) Represent a balance of interests that will be significantly affected by the final rules (*i.e.*, parents; teachers; school board members; and administrators of tribal and tribally operated contract day schools, grant day schools, grant boarding schools, and peripheral dormitories);

(2) Proportionately represent students from tribes served by Bureau-funded schools;

(3) Reflect the different varieties of school size, type of school and facility, and geographical location; and

(4) Have been selected using a process that considers the nominees' experience and expertise in Indian education and outstanding achievements or special skills.

The first meeting of the committee is tentatively scheduled for June 2003, in Albuquerque, New Mexico. We will post further information on the first meeting of the committee on our Web site at <http://www.oiep.bia.edu>.

#### Proposed Tribal Committee Members

The Secretary proposes the following tribal representatives for the negotiated rulemaking committee:

| Nominee                  | Tribal affiliation               | Educational affiliation  |
|--------------------------|----------------------------------|--|
| Greg Anderson .....      | Muscogee (Creek) Nation .....    | Administrator, Creek Nation-Eufaula Dormitory.                         |
| Lorraine Begay .....     | Navajo Nation .....              | Director, Business Services, Greasewood Springs Community School, Inc. |
| Pauleen Billie .....     | Navajo Nation .....              | Executive Director, Navajo Area School Board Association.              |
| Faye Blue Eyes .....     | Navajo Nation .....              | Director of Support Services, Shiprock Alternative Schools, Inc.       |
| Roger Bordeaux .....     | Potawatomi Nation .....          | Superintendent of Tiospa Zina Tribal School.                           |
| Deborah Bordeaux .....   | Oglala Sioux Tribe .....         | Principal, Loneman School.   |
| Doyce Cannon .....       | Eastern Band of Cherokee Indians | Director of Education, Cherokee Central Schools.                       |
| Mary Helen Creamer ..... | Navajo Nation .....              | Program Manager, Tribal Education Department.                          |