

announce pre-boarding for passengers with special needs, although it may be available. If you wish to request pre-boarding, tell the agent at the gate.

- Unless pre-boarding is not part of your carrier's business operation, a timely request for pre-boarding by a passenger with a disability should be honored (382.38 (d)).

- Part 382 does not require carriers to make modifications that would constitute an undue burden or would fundamentally alter their programs (382.7 (c)). Therefore, the following are *not* required in providing accommodations for users of service animals and are examples of what might realistically be viewed as creating an undue burden:

- Asking another passenger to give up the space in front of his or her seat to accommodate a service animal;
- Denying transportation to any individual on a flight in order to provide an accommodation to a passenger with a service animal;
- Furnishing more than one seat per ticket; and
- Providing a seat in a class of service other than the one the passenger has purchased.

Are Airline Personnel Responsible for the Care and Feeding of Service Animals?

Airline personnel are not required to provide care, food, or special facilities for service animals. The care and supervision of a service animal is solely the responsibility of the passenger with a disability whom the animal is accompanying.

May an Air Carrier Charge a Maintenance or Cleaning Fee to Passengers Who Travel With Service Animals?

Part 382 prohibits air carriers from imposing special charges for accommodations required by the regulation, such as carriage of a service animal. However, an air carrier may charge passengers with a disability if a service animal causes damage, as long as it is its regular practice to charge non-disabled passengers for similar kinds of damage. For example, it could charge a passenger with a disability for the cost of repairing or cleaning a seat damaged by a service animal, assuming that it is its policy to charge when a non-disabled passenger or his or her pet causes similar damage.

Advice for Passengers With Service Animals

- Ask about the airline's policy on advance seat assignments for people with disabilities. For instance: (1) Should a passenger request pre-boarding at the gate? or (2) should a passenger request an advance seat assignment (a priority seat such as a bulkhead seat or aisle seat) up to 24 hours before departure? or (3) should a passenger request an advance seat assignment at the gate on the day of departure?

- Although airlines are not permitted to automatically require documentation for service animals other than emotional support animals, if you think it would help you explain the need for a service animal, you may want to carry documentation from your physician or other licensed professional confirming your need for the service animal. Passengers with unusual service animals also may want to carry documentation confirming

that their animal has been trained to perform a function or task for them.

- If you need a specific seat assignment for yourself and your service animal, make your reservation as far in advance as you can, and identify your need at that time.

- You may have to be flexible if your assigned seat unexpectedly turns out to be in an emergency exit row. When an aircraft is changed at the last minute, seating may be reassigned automatically. Automatic systems generally do not recognize special needs, and may make inappropriate seat assignments. In that case, you may be required by FAA regulations to move to another seat.

- Arrive at the gate when instructed by the airline, typically at least one hour before departure, and ask the gate agent for pre-boarding—if that is your desire.

- Remember that your assigned seat may be reassigned if you fail to check in on time; airlines typically release seat assignments not claimed 30 minutes before scheduled departure. In addition, if you fail to check in on time you may not be able to take advantage of the airline's pre-board offer.

- If you have a very large service animal or multiple animals that might need to be transported in the cargo compartment, contact the airline well in advance of your travel date. In most cases, airlines cannot insist on advance notice or health certificates for service animals under the ACAA regulations. However, it is very useful for passengers to contact the airline well in advance if one or more of their service animals may need to be transported in the cargo compartment. The passenger will need to understand airline policies and should find out what type of documents the carrier would need to ensure the safe passage of the service animal in the cargo compartment and any restrictions for cargo travel that might apply (e.g., temperature conditions that limit live animal transport).

- If you are having difficulty receiving an appropriate accommodation, ask the airline employee to contact the airline's *complaint resolution official (CRO)*. Part 382 requires all airlines to have a CRO available during all hours of operation. The CRO is a resource for resolving difficulties related to disability accommodations.

- Another resource for resolving issues related to disability accommodations is the U.S. Department of Transportation's aviation consumer disability hotline. The toll-free number is 1-800-778-4838 (voice) and 1-800-455-9880 (TTY).

Glossary

Direct Threat to the Health or Safety of Others

A significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services.

Fundamental Alteration

A modification that substantially alters the basic nature or purpose of a program, service, product or activity.

Individual With a Disability

"Any individual who has a physical or mental impairment that, on a permanent or

temporary basis, substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment." (Section 382.5).

Qualified Individual With a Disability

Any individual with a disability who:

(1) "Takes those actions necessary to avail himself or herself of facilities or services offered by an air carrier to the general public with respect to accompanying or meeting a traveler, use of ground transportation, using terminal facilities, or obtaining information about schedules, fares or policies";

(2) "Offers, or makes a good faith attempt to offer, to purchase or otherwise validly to obtain * * * a ticket" "for air transportation on an air carrier"; or

(3) "Purchases or possesses a valid ticket for air transportation on an air carrier and presents himself or herself at the airport for the purpose of traveling on the flight for which the ticket has been purchased or obtained; and meets reasonable, nondiscriminatory contract of carriage requirements applicable to all passengers." (Section 382.5).

Service Animal

Any animal that is individually trained or able to provide assistance to a qualified person with a disability; or any animal shown by documentation to be necessary for the emotional well being of a passenger.

Sources

See: 14 CFR 382.5, 14 CFR 382.37(a) and (c), 14 CFR 382.38 (a)(3), (b), (d) & (h)-(j), 14 CFR 382.55(a)(1)-(3), 14 CFR 382.57, "Guidance Concerning Service Animals in Air Transportation," (61 FR 56420-56422, (November 1, 1996)), "Commonly Asked Questions About Service Animals in Places of Business" (Department of Justice, July 1996), and "ADA Business Brief: Service Animals" (Department of Justice, April 2002).

Issued in Washington, DC, on May 2, 2003.

Samuel Podberesky,

Assistant General Counsel for Aviation Enforcement and Proceedings.

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DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Part 0

[Docket No.: 010926237-3101-02]

RIN 0690-AA32

Employee Responsibilities and Conduct; Removal of Obsolete Regulations

AGENCY: Office of the General Counsel, Department of Commerce.

ACTION: Final rule.

SUMMARY: The Department of Commerce (the "Department") issues this final rule to revise and remove certain sections of the Commerce and Foreign Trade Regulation concerning the policies and procedures relating to employee responsibilities and conduct. The government-wide regulations of the Office of Government Ethics make these Department provisions obsolete.

EFFECTIVE DATE: May 9, 2003.

FOR FURTHER INFORMATION CONTACT: Chris Cox, Attorney-Advisor, telephone number: (202) 482-2442, fax: (202) 501-2295.

SUPPLEMENTARY INFORMATION: In August, 1992, the Office of Government Ethics promulgated the Executive Branch Financial Disclosure, Qualified Trusts, and Certificate of Divestiture regulations, 5 CFR part 2634, and the Standards of Ethical Conduct for Employees of the Executive Branch, 5 CFR part 2635. These regulations implemented the responsibilities and standards required by the 1978 Ethics in Government Act.

This final rule removes the following provisions from the Department's internal conduct regulations codified at 15 CFR part 0:

- Subparts B, C, and E;
- Sections 0.735-10a, 0.735-11, 0.735-12, 0.735-13, 0.735-14, and 0.735-15; and
- Appendices B and C.

These provisions are removed because they are superseded by provisions in the Ethics Program that are codified at 5 CFR parts 2634 and 2635.

This final rule also modifies the authority citation for 15 CFR part 0, and revises the language in 15 CFR section 0.735-2 to indicate that employees should refer to the standards of ethical conduct, financial disclosure, and other applicable regulations that are codified in 5 CFR part 2635 and 5 CFR part 2634.

Any supplementary regulations necessary, for Department-specific circumstances, may be promulgated in the future as provided by the current Office of Government Ethics regulations.

Classification

Executive Order 12866

This action has been determined to be not significant for purposes of Executive Order 12866.

Executive Order 13132

It has been determined that this action does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

Administrative Procedure Act

Pursuant to 5 U.S.C 553(b)(A) prior notice and an opportunity for public

comment are not required for this rule of agency organization, management, and procedure. Further, this rule of agency organization, management, and procedure is not a substantive rule subject to the 30-day delay in effective date requirement of 5 U.S.C. 553(d).

Regulatory Flexibility Act

As this rule is not subject to the requirement to provide prior notice and an opportunity for public comment pursuant to 5 U.S.C. 553, or any other law, it is not subject to the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

Paperwork Reduction Act

This rule does not contain or involve any information collection requirements that require the approval of the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. chapter 35.

List of Subjects 15 CFR Part 0

Administrative practice and procedure, Conflict of interests.

Theodore W. Kassinger,
General Counsel.

■ For the reasons set forth in the preamble, the Department of Commerce is amending 15 CFR part 0 as follows:

PART 0—EMPLOYEE RESPONSIBILITIES AND CONDUCT

■ 1. The authority citation for part 0 is revised to read as follows:

Authority: 5 U.S.C. 301, 7301, 7353; 5 U.S.C. App. (Ethics in Government Act of 1978); 26 U.S.C. 7214(b); E.O. 12674, 54 FR 15159, 3 CFR 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR 1990 Comp., p. 306; 5 CFR part 2635.

■ 2. Section 0.735-2 is revised to read as follows:

§ 0.735-2 Cross-references to ethical conduct, financial disclosure, and other applicable regulations.

Employees of the Department of Commerce should refer to the executive branch-wide Standards of Ethical Conduct at 5 CFR part 2635 and the executive branch-wide financial disclosure regulations at 5 CFR part 2634

■ 3. Subparts B and C are removed and reserved.

■ 4. In Subpart D, §§ 0.735.10a, 0.735-11, 0.735-12, 0.735-13, 0.735-14, 0.735-15 are removed and reserved.

■ 5. Subpart E is removed and reserved.

■ 6. Appendices B and C to part 0 are removed.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Chapter 1

Change of Address; Technical Amendment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending its regulations to reflect a change in the address for the Dockets Management Branch (DMB). This action is editorial in nature and is intended to improve the accuracy of the agency's regulations.

EFFECTIVE DATE: May 9, 2003.

FOR FURTHER INFORMATION CONTACT:

Joyce Strong, Office of Policy and Planning (HF-27), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-7010.

SUPPLEMENTARY INFORMATION: In the *Federal Register* of June 16, 1998 (63 FR 32888), FDA published a notice announcing the relocation of DMB from 12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857, to its current location at 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. This document amends FDA's regulations to reflect DMB's change of address by removing the entire outdated address wherever it appears and by adding the new address in its place in 21 CFR parts 3, 7, 10, 12, 17, 25, 60, 100, 101, 109, 184, 201, 312, 314, 328, 330, 355, 500, 509, 520, 522, 601, 808, 812, 814, 1030, 1240, and 1250.

Publication of this document constitutes final action on these changes under the Administrative Procedure Act (5 U.S.C. 553). Notice and public procedure are unnecessary because FDA is merely correcting nonsubstantive errors.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR chapter I is amended as follows:

■ 1. Parts 3, 7, 10, 12, 17, 25, 60, 100, 101, 109, 184, 201, 312, 314, 328, 330, 355, 500, 509, 520, 522, 601, 808, 812, 814, 1030, 1240, and 1250 are amended by removing "12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857" or "rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857" wherever they appear and by adding in their place "5630 Fishers Lane, rm. 1061, Rockville, MD 20852."