

and other constituents which are customized by producers to meet the needs of customers.

It has become clear that in the dairy industry, it currently is common practice to create products by adding ingredients, which may, in fact be protein concentrates themselves (such as whey protein concentrates or caseinates), to raw materials. The resulting products are marketed and sold to customers as milk protein concentrates. This practice is acknowledged by the previously cited EN to heading 0404, "Thus the heading includes \* \* \* milk to which natural milk constituents have been added (to obtain, for example, a protein-rich product)."

Based upon the foregoing information provided in the comments, Customs decided to withdraw the proposed revocation of the rulings.

Additional U.S. Note 13 to Chapter 4, in our view, describes a product, not a process. The provision cannot be seen to specify all the methods that might be employed to create MPC, in part because they had not been developed. Technologies have developed since 1984 which enable manufacturers to produce an increasing number of varieties of products that are entered into the marketplace and offered for sale to purchasers which are identified as MPCs. This analysis of tariff language was recently employed by the United States Court of International Trade when, in reference to chemical products, it stated: "\* \* \* the tariff schedule should not be interpreted by reference to the method of producing the chemical compound at issue, instead of the relative simplicity of the finished product's chemical structure. Relying on method of production would undermine any consistency in the classification of imported chemicals, as new and complex chemical processes are developed constantly." *E.T. Horn Co. v. United States*, CIT Slip Op. 03-20 (February 27, 2003).

Over the course of many years, Customs has classified many different products identified as MPCs in subheading 0404.90.10, HTSUS. These products contain varying amounts of proteins and other ingredients such as milkfat and lactose. The determinative factor in these rulings has been the protein content, not the manufacturing process (see, HQ 950484, dated January 3, 1992, a product produced from skim milk by a chromatographic separation process, containing 76 to 80 percent protein; NY 812858, dated August 3, 1995, a product produced from coagulated, heated skim milk, containing 80 percent protein; NY 800374, dated July 27, 1994, process unidentified, protein content 41 percent; HQ 965395, dated April 5, 2002, a product produced either by dry blending nonfat dry milk, whey protein concentrate 35 and fine, 90-mesh casein or by mixing condensed liquid skim milk with whey protein concentrate 35 and casein, containing 42 to 44 percent protein). Moreover, these products were bought and sold in the trade as MPCs.

Based upon the above analysis of the language of the tariff, the arguments you raised and the comments received in response to the Notice, Customs finds that the classification provided in rulings NY

800374, dated July 27, 1994 and NY D83787, dated November 13, 1998 is correct.

Accordingly, Customs hereby denies your petition to reclassify the subject products, referred to as dairy protein blends.

#### Holding

The classification of milk protein concentrates in subheading 0404.90.10, HTSUS, in NY 800374, dated July 27, 1994 and NY D83787, dated November 13, 1998, which were the subject of the domestic interested party petition, is correct, and these rulings are affirmed.

Please be advised that pursuant to 19 CFR 175.23, if you so wish, you may file a notice that you desire to contest the classification of the subject products within 30 days of the date of this letter. Such notice should also designate the port or ports at which the products are being imported into the United States, and at which you desire to protest.

Sincerely,

Myles B. Harmon,

Director, Commercial Rulings Division.

[FR Doc. 03-17802 Filed 7-14-03; 8:45 am]

BILLING CODE 4820-02-P

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4820-N-31]

### Notice of Proposed Information Collection: Comment Request; Assisted Living Conversion Program (ALCP)

**AGENCY:** Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

**DATES:** *Comments Due Date:* September 15, 2003.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Plaza Building, Room 8003, Washington, DC 20410 or [Wayne.Eddins@hud.gov](mailto:Wayne.Eddins@hud.gov).

**FOR FURTHER INFORMATION CONTACT:** Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone

(202) 708-3000, (this is not a toll free number) for copies of the proposed forms and other available information.

**SUPPLEMENTARY INFORMATION:** The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

This Notice also lists the following information:

*Title of Proposal:* Assisted Living Conversion Program (ALCP).

*OMB Control Number, if applicable:* 2502-0542.

*Description of the need for the information and proposed use:* The information collection is a grant application and reporting forms for HUD's Assisted Living Conversion Program (ALCP). HUD will use the grant applications to determine an applicant's need for and capacity to administer grant funds. The applicants are usually not-for-profit institutions. HUD will evaluate applications through the use of statutory and administratively designated selection criteria.

*Agency form numbers, if applicable:* HUD-50080-ALCP, HUD-92045, HUD-424, HUD-424B, HUD-2880, HUD-2991, and SF-269.

*Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:* The estimated total number of burden hours needed to prepare the information collection is 2,550; the number of respondents is 30 generating approximately 135 annual responses; the frequency of response is quarterly, semi-annually, and annually; and the estimated time needed to prepare the response varies from 15 minutes to 80 hours.

*Status of the proposed information collection:* Extension of a currently approved collection.

**Authority:** The Paperwork Reduction Act of 1995, 44 U.S.C., chapter 35, as amended.

Dated: July 7, 2003.

**Sean G. Cassidy,**

*General Deputy Assistant Secretary for Housing-Deputy Federal Housing Commissioner.*

[FR Doc. 03-17770 Filed 7-14-03; 8:45 am]

**BILLING CODE 4210-27-M**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4837-D-33]

### Delegation of Authority To Affix Department Seal and Authenticate Documents

**AGENCY:** Office of the Secretary, HUD.

**ACTION:** Delegation of authority.

**SUMMARY:** This delegation of authority revises and updates the designation of Department officials and staff designated to affix the Department's seal and authenticate copies of documents.

**EFFECTIVE DATE:** July 2, 2003.

**FOR FURTHER INFORMATION CONTACT:**

Shari Weaver, Managing Attorney, Office of Litigation, Office of General Counsel, Room 10258, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410-0500; telephone (202) 708-0300. (This is not a toll-free number.) For those needing assistance, this number may be accessed through TTY by calling the toll-free Federal Information Relay Service number at 1-800-877-8339.

#### Section A. Authority Delegated

Each of the following HUD employees is designated as an Attesting Officer and is authorized to cause the seal of the Department of Housing and Urban Development to be affixed to such documents as may require its application and to certify that a copy of any book, paper, microfilm, or other document is a true copy of that in the files of the Department:

1. Each Assistant Secretary;
2. President, Government National Mortgage Association;
3. Inspector General;
4. General Counsel;
5. Chief Financial Officer;
6. The Director of each Headquarters Office;
7. Each Deputy Assistant Secretary;
8. Each Regional Director;
9. Each Field Office Director;
10. Each Deputy General Counsel;
11. Each Associate General Counsel;
12. Each Assistant General Counsel;
13. Each Regional Counsel;
14. Each Chief Counsel; and

15. The Docket Clerks, in the Office of General Counsel.

#### Section B. Authority Revoked

This delegation revokes and supersedes the delegation of authority published on October 23, 1995 (60 FR 54380).

**Authority:** Sections 7(d) and (g), Department of Housing and Urban Development Act (42 U.S.C. 3535(d) and (g)).

Dated: July 2, 2003.

**Mel Martinez,**

*Secretary.*

[FR Doc. 03-17769 Filed 7-14-03; 8:45 am]

**BILLING CODE 4210-32-P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4837-D-13]

### Delegation of Authority to the President of the Government National Mortgage Association

**AGENCY:** Office of the Secretary, HUD.

**ACTION:** Notice of delegation of authority.

**SUMMARY:** The Secretary of HUD is delegating to the President, Government National Mortgage Association (Ginnie Mae), all authority of the Secretary with respect to management of Ginnie Mae and Ginnie Mae's programs, pursuant to Title III of the National Housing Act.

**EFFECTIVE DATE:** June 30, 2003.

**FOR FURTHER INFORMATION CONTACT:**

Cheryl Owens, Government National Mortgage Association, Room 6286, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410-9000; telephone (202) 708-2648 (this is not a toll-free number). Speech- or hearing-impaired individuals may access this number through TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:** The Secretary is in the process of updating delegations issued to officials within the Department, including the President of Ginnie Mae, which is a wholly-owned government corporation within the Department, pursuant to 42 U.S.C. 3534(b). In this delegation of authority, the Secretary delegates to the President of Ginnie Mae all authority of the Secretary with respect to management of Ginnie Mae and Ginnie Mae's programs, pursuant to Title III of the National Housing Act, 12 U.S.C. 1716 *et seq.* In this document the Secretary retains authority under this statute and also delegates this authority to the President of Ginnie Mae.

Accordingly, the Secretary delegates authority as follows:

#### Section A. Authority Delegated

The President of Ginnie Mae is delegated the authority of the Secretary with respect to management of Ginnie Mae and Ginnie Mae's programs, pursuant to Title III of the National Housing Act, 12 U.S.C. 1716 *et seq.*

#### Section B. Authority To Redelegate

The authority delegated in this document may be redelegated by the President of Ginnie Mae in writing to officials in Ginnie Mae except the authority to issue and waive regulations.

#### Section C. Authority Excepted

The authority delegated in this document does not include the authority to sue and be sued.

**Authority:** Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: June 30, 2003.

**Mel Martinez,**

*Secretary.*

[FR Doc. 03-17768 Filed 7-14-03; 8:45 am]

**BILLING CODE 4210-66-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Receipt of Applications for Permit

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of receipt of applications for permit.

**SUMMARY:** The public is invited to comment on the following application to conduct certain activities with endangered species and/or marine mammals.

**DATES:** Written data, comments or requests must be received by August 14, 2003.

**ADDRESSES:** Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203; fax(703) 358-2281.

**FOR FURTHER INFORMATION CONTACT:** Division of Management Authority, telephone (703) 358-2104.