

proposes 113 ppb, any impacts to EFH species, or their critical habitats predicted from this action would be expected to be the same, as such, the consultation requirements of section 305(b)(2) of the MSFCMA do not apply to this rule.

#### *O. Plain Language Directive*

Executive Order 12866 requires each agency to write all rules in plain language. EPA has written this final rule in plain language to make this final rule easier to understand.

#### *P. Executive Order 13158: Marine Protected Areas*

Executive Order 13158 (65 FR 34909, May 31, 2000) requires EPA to “expeditiously propose new science-based regulations, as necessary, to ensure appropriate levels of protection for the marine environment.” EPA may take action to enhance or expand protection of existing marine protected areas and to establish or recommend, as appropriate, new marine protected areas. The purpose of the Executive Order is to protect the significant natural and cultural resources within the marine environment, which means “those areas of coastal and ocean waters, the Great Lakes and their connecting waters, and submerged lands thereunder, over which the United States exercises jurisdiction, consistent with international law.”

The HARS-specific PCB worm tissue criterion of 113 ppb is the non-cancer (hazard quotient of 1), and is the lower of the 282 ppb cancer ( $1 \times 10^{-4}$ ), and 329 ppb ecological PCB values (USEPA, 2000c). EPA expects that this proposed rule would afford additional protection of aquatic organisms at individual, population, community, or ecosystem levels of ecological structures, because the previous matrix value was 400 ppb. Additionally the 113 ppb HARS-specific PCB worm tissue criterion is roughly one-third lower than the 329 ppb PCB value for the protection of ecological health. EPA is promulgating the 113 ppb HARS-specific PCB worm tissue criterion as it is the lower of the human health (cancer and non-cancer) and ecological protection values. Therefore, EPA expects today’s final rule would advance the objective of the Executive Order to protect marine areas.

#### **List of Subjects in 40 CFR Part 228**

Environmental protection, Water pollution control.

Dated: March 10, 2003.

**Jane M. Kenny,**

*Regional Administrator, Region 2.*

In consideration of the foregoing, EPA is amending part 228, Chapter I of title 40 of the Code of Federal Regulations as follows:

#### **PART 228—CRITERIA FOR THE MANAGEMENT OF DISPOSAL SITES FOR OCEAN DUMPING**

1. The authority citation for part 228 continues to read as follows:

**Authority:** 33 U.S.C. 1412 and 1418.

2. Section 228.15 is amended by adding paragraph (d)(6)(v) (E) to read as follows:

#### **§ 228.15 Dumping sites designated on a final basis.**

\* \* \* \* \*

(d) \* \* \*

(6) \* \* \*

(v) \* \* \*

(E) HARS-specific Polychlorinated Biphenyl (PCB) Tissue Criterion: Total PCB bioaccumulation worm test results for dredged material approved for placement at the HARS as Material for Remediation shall not exceed the HARS-specific PCB tissue criterion of 113 ppb. This HARS-specific PCB tissue criterion will be applied to the arithmetic mean concentration reported for the analyses of the worm tissue replicates exposed to the tested sediments, without the use of statistical confidence limits.

\* \* \* \* \*

[FR Doc. 03–6302 Filed 3–14–03; 8:45 am]

**BILLING CODE 6560–50–P**

#### **GENERAL SERVICES ADMINISTRATION**

#### **41 CFR Part 300–2 and Chapter 304**

**[FTR Amendment 2003–02]**

**RIN 3090–AE19**

#### **Federal Travel Regulation; Payment of Travel Expenses From a Non-Federal Source**

**AGENCY:** Office of Governmentwide Policy, Travel Management Policy Division, GSA.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the Federal Travel Regulation (FTR), Chapter 304 for payment of travel expenses from a non-Federal source. This final rule permits after-the-fact agency acceptance of some payments from a non-Federal source for travel expenses to a meeting.

**DATES:** This final rule is effective June 16, 2003, and applies to payment of expenses from a non-Federal source on or after June 16, 2003.

**FOR FURTHER INFORMATION CONTACT:** Umeki Thorne, Program Analyst, telephone (202) 208–7636 for clarification of content. For status or publication schedules, contact the Regulatory and Federal Assistance Publications Division, Room 4035 GS Building, Washington, DC 20405, at (202) 208–7312.

#### **SUPPLEMENTARY INFORMATION**

##### **A. Background**

This final rule revises Interim Rule 3 published in the **Federal Register** at 56 FR 9878, March 8, 1991, and Interim Rule 4 published at 57 FR 53283, November 9, 1992.

This final rule sets forth allowable expenses authorized under 31 U.S.C. 1353 and 5 U.S.C. 5701–5709 to allow agencies the acceptance of payment from a non-Federal source for travel expenses and under the authority of 5 U.S.C. 4111(b) to accept payment for the reduction in meetings and training allowances. A proposed rule with request for comment was published in the **Federal Register** at 66 FR 22491, May 4, 2001. During the 60-day comment period, GSA received comments from eight Federal agencies. GSA carefully reviewed each comment. Changes based on comments received have been grouped by sections of the proposed rule and subject area and are discussed in the following general analysis.

##### *Section 304–2.1 What Definitions Apply to This Chapter?*

Section 304–2.1 sets the definitions of terms for this chapter. One Federal agency commented that the word “definition” should be replaced with the word “term”. GSA is not persuaded that this change is needed. Therefore, the word “definition” remains unchanged. One Federal agency commented that under the definition of “meeting(s) or similar functions” there is no distinction between events essential to an agency’s mission and those merely in furtherance of that mission’s needs. GSA has considered this comment and has added a parenthetical within this definition to adequately describe a distinction that remains fundamental to the interpretation of 31 U.S.C. 1353. Under the definition of “meeting(s) or similar functions”, this term is not intended to encompass long-term temporary duty or training travel.

*Section 304–3.8 Must I Adhere to the Provisions of the Fly America Act When I Receive Air Transportation to a Meeting Furnished or Paid by a Non-Federal Source?*

Section 304–3.8 exempts air transportation paid by a non-Federal source from the requirements of the Fly America Act (Act). One Federal agency commented that this section implies that an employee will have a working knowledge of the Act's requirements and that the explanation of the Act is confusing. GSA appreciates this comment. Although § 304–3.8 exempts air transportation paid by a non-Federal source from the requirements of the Fly America Act, additional language has been inserted within the answer of this section to address where an employee may find the regulations implementing the Fly America Act.

*Section 304–3.11 Am I Limited to the Maximum Subsistence Allowances (per Diem or Actual Expense) Prescribed in Applicable Travel Regulations for Travel Expenses Paid by a Non-Federal Source?*

Section 304–3.11 generally limits payment of travel expenses by a non-Federal source to the maximum subsistence allowances prescribed in the Federal Travel Regulation, or other applicable governmentwide travel entitlement for military and foreign service personnel. One Federal agency recommended that this policy also include conference lodging as a form of subsistence allowance. GSA agrees with this comment and has modified § 304–3.11 to include conference lodging as a form of maximum subsistence allowance for travel expenses paid by a non-Federal source.

*Section 304–3.13 After I Begin Travel to a Meeting, What Should I Do if a Non-Federal Source Offers To Pay for One or More of My Travel Expenses Without My or My Agency's Prior Knowledge?*

Section 304–3.13 of the proposed rule permits after-the-fact agency acceptance of payment from a non-Federal source for travel expenses to a meeting under certain circumstances.

Four comments were received from Federal agencies regarding after-the-fact authorization for acceptance of travel expenses. Comments from two Federal agencies are in approval of and appreciate this policy change. One Federal agency questions the reason for this policy change. One Federal agency opposes this policy change and recommended that this section be removed. GSA carefully reviewed these

comments. The inclusion of this policy change will allow Federal employees the flexibility to accept payment from a non-Federal source only when the limited conditions under § 304–3.13 are met. Therefore, this policy change remains as published in the proposed rule.

In addition, one Federal agency commented that §§ 304–3.13(b)(3) and (4) should be revised and combined to specifically inform employees that they are subject to penalties specified in § 304–3.18 if they are not in compliance with the requirements of §§ 304–3.13(a) and 304–3.13(b). GSA considered this comment, and for better clarification has replaced § 304–3.13(b)(4) under a separate section as § 304–3.13(c).

*Section 304–3.14 May a Non-Federal Source Pay for My Spouse to Accompany Me to a Meeting?*

Section 304–3.14 establishes the conditions under which an agency may pay for a spouse to accompany an employee to a meeting. One Federal agency commented that this section omitted a current condition that determined when a spouse's attendance at a meeting may be in the interest of the agency. GSA inadvertently omitted this requirement and has thereby revised § 304–3.14 to include this requirement.

*Section 304–3.19 Are There Other Situations When I May Accept Payment From a Non-Federal Source for My Travel Expenses and § 304–4.3 Under What Other Authority May We Accept Payment For Travel Expenses From a Non-Federal Source?*

This part 304 includes new language in §§ sections 304–3.19 and 304–4.3 to clarify the distinction between the authority for an agency to accept payment for travel and related expenses to a meeting as defined in this part versus the authority for an employee to accept free attendance at a widely attended gathering under 5 CFR 2635.204(g)(2). We made this change in consultation with the Office of Government Ethics because of concerns that the widely attended gathering authority might be used to avoid the reporting requirements of this part 304. For travel to a meeting, part 304 is the only authority agencies may use to accept payment from a non-Federal source. There may be cases where the widely attended gathering authority could be used while an employee is on official travel. For example, when an agency accepts payment from a non-Federal source or pays for an employee's travel to attend a meeting, any event for which the widely attended gathering authority is used must be

separate from the meeting. This is true regardless of whether the agency uses part 304 authority to accept travel expenses or the agency pays the travel expenses itself.

In addition to the distinction as to whether the employee is traveling to a meeting, or is attending a separate event, part 304 and the widely attended gathering authorities also differ in that use of the part 304 acceptance authority is appropriate when the employee is on official travel and performing an official function. By contrast, the rules governing widely attended gatherings state, "For employees subject to a leave system, attendance at the event shall be on the employee's own time, or if authorized by the employee's agency, on excused absence pursuant to applicable guidelines for granting such absence, or otherwise without charge to the employee's leave account." (5 CFR 2635.204(g)(2)). Another distinction to note is that travel expenses may not be accepted under the widely attended gatherings exception. (5 CFR 2635.204(g)(4)).

*Section 304–6.4 What Form Must We Use To Report Payments Received by the Agency From Non-Federal Sources?*

Section 304–6.4 requires an agency head or designee to submit Standard Form (SF) 326, Semiannual Reports of Payments Accepted from a Non-Federal source. One Federal agency commented that the current policy does not mandate the requirement of this form and that the Office of Government Ethics (OGE) currently accepts an internal agency form that includes all of the information required by § 304–6.4. GSA appreciates this comment. It is not GSA's intent to make a significant substantive policy change through the required use of SF 326. Section 304–6.4 has been modified to allow agencies the ability to request an exemption from the use of SF 326 through OGE.

*Section 304–6.6 How Do We Determine the Value of Payments in Kind That Are To Be Reported on SF 326?*

Section 304–6.6 tells agencies how to determine the value of payments in kind for reporting on SF 326. One Federal agency commented that § 304–6.6(e) should include a statement that where a commercial rate is not available all employees must report the maximum lodging rate for the per diem locality where the meeting is held as established by GSA for CONUS, Department of Defense for OCONUS, and Department of State for foreign locations. GSA considered this comment as appropriate and has amended § 304–6.6(e) accordingly.

*Section 304–9.4 What If the Employee Is Compensated by a Donor and by Us for the Same Expenses?*

One Federal agency commented that in the answer to this question employees should be informed of The Federal Claims Collection Standards which provides detailed guidance regarding Governmentwide debt collection policies and procedures. GSA has considered this comment and has modified § 304–9.4 accordingly.

This final rule is written in the “plain language” style of regulation writing as a continuation of the General Services Administration’s (GSA) effort to make the FTR easier to understand and use. Questions are in the first person, and answers are in the second person. GSA uses a “we” and “you” question when referring to an agency, and an “I” and “you” question when referring to the employee. However, the rules stated in either section apply to both the employee and agency. Another example of GSA’s implementation of plain language is the use of the term “meeting” throughout this part instead of the phrase “meeting(s) or similar functions.” This change is indicated in the definition of “meeting(s) or similar functions” and no substantive change is intended by this change.

## B. Significant Changes

The final rule permits after-the-fact agency acceptance of some payments from a non-Federal source for travel expenses to a meeting under the provisions prescribed in § 304–3.13.

## C. Executive Order 12866

GSA has determined that this final rule is not a significant regulatory action for the purposes of Executive Order 12866 of September 30, 1993.

## D. Regulatory Flexibility Act

This final rule is not required to be published in the **Federal Register** for notice and comment. Therefore, the Regulatory Flexibility Act does not apply.

## E. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the final rule does not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 501, *et seq.*

## F. Small Business Regulatory Enforcement Fairness Act

This final rule is also exempt from congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

## List of Subjects in 41 CFR Part 300–2 and Chapter 304

Government employees, Travel and transportation expenses.

Dated: December 16, 2002.

**Stephen A. Perry,**  
*Administrator of General Services.*

For the reasons set forth in the preamble, GSA amends 41 CFR part 300–2 and chapter 304 as follows:

## CHAPTER 300—GENERAL

## PART 300–2—HOW TO USE THE FTR

1. The authority citation for part 300–2 continues to read as follows:

**Authority:** 5 U.S.C. 5707; 5 U.S.C. 5738; 5 U.S.C. 5741–5742; 20 U.S.C. 905(a); 31 U.S.C. 1353; 40 U.S.C. 121(c); 49 U.S.C. 40118; E.O. 11609, 1971–1975 Comp. p.586.

2. Amend § 300–2.22 by revising the table to read as follows:

## § 300–2.22 Who is subject to the FTR?

\* \* \* \* \*

| For               | The employee provisions contained in   | And the agency provisions are contained in |
|-------------------|----------------------------------------|--------------------------------------------|
| Chapter 301 ..... | Subchapters A, B, and C .....          | Subchapter D.                              |
| Chapter 302 ..... | Subchapters A, B, C, D, E, and F ..... | Subchapters A, B, C, D, E, and F.          |
| Chapter 303 ..... | N/A .....                              | Part 303–70.                               |
| Chapter 304 ..... | Subchapter A .....                     | Subchapters B and C.                       |

3. Revise Chapter 304 to read as follows:

## Chapter 304—Payment of Travel Expenses From a Non-Federal Source

### Subchapter A—Employee’s Acceptance of Payment From A Non-Federal Source for Travel Expenses

#### Part

- 304–1 Authority
- 304–2 Definitions
- 304–3 Employee responsibility

### Subchapter B—Agency Requirements

- 304–4 Authority
- 304–5 Agency responsibilities
- 304–6 Payment guidelines

### Subchapter C—Acceptance of Payment for Training

- 304–7 Authority/applicability
- 304–8 Definitions
- 304–9 Contributions and awards

## Subchapter A—Employee’s Acceptance of Payment From a Non-Federal Source for Travel Expenses

## PART 304–1—AUTHORITY

### Sec.

- 304–1.1 To whom do the pronouns “I”, “you”, and their variants refer throughout this part?
- 304–1.2 Under what authority may I accept payment of travel expenses from a non-Federal source?

**Authority:** 31 U.S.C. 1353 and 5 U.S.C. 5707.

### § 304–1.1 To whom do the pronouns “I”, “you”, and their variants refer throughout this part?

Use of pronouns “I”, “you”, and their variants throughout this part refers to the employee.

## § 304–1.2 Under what authority may I accept payment of travel expenses from a non-Federal source?

Under the authority of this part and 31 U.S.C. 1353, you may accept payment of travel expenses from a non-Federal source on behalf of your agency, but not on behalf of yourself, when specifically authorized to do so by your agency and only for official travel to a meeting. Except as provided in § 304–3.13 of this subchapter, your agency must approve acceptance of such payments in advance of your travel.

## PART 304–2—DEFINITIONS

**Authority:** 5 U.S.C. 5707; 31 U.S.C. 1353.

### § 304–2.1 What definitions apply to this chapter?

The following definitions apply to this chapter:

*Employee* means an appointed officer or employee of an executive agency as defined in 5 U.S.C. 105, including a

special Government employee as defined in 18 U.S.C. 202, or an expert or consultant appointed under the authority of 5 U.S.C. 3109.

*Meeting(s) or similar functions (meeting)* means a conference, seminar, speaking engagement, symposium, training course, or similar event that takes place away from the employee's official station. "Meeting" as defined in this chapter does not include a meeting or other event required to carry out an agency's statutory or regulatory functions (*i.e.*, a function that is essential to an agency's mission) such as investigations, inspections, audits, site visits, negotiations or litigation. "Meeting" also does not include promotional vendor training or other meetings held for the primary purpose of marketing the non-Federal sources products or services, or long term TDY or training travel. A meeting need not be widely attended for purposes of this definition and includes but is not limited to the following:

(1) An event where the employee will participate as a speaker or panel participant focusing on his/her official duties or on the policies, programs or operations of the agency.

(2) A conference, convention, seminar, symposium or similar event where the primary purpose is to receive training other than promotional vendor training, or to present or exchange substantive information of mutual interest to a number of parties.

(3) An event where the employee will receive an award or honorary degree, which is in recognition of meritorious public service that is related to the employee's official duties, and which may be accepted by the employee consistent with the applicable standards of conduct regulations.

*Non-Federal source* means any person or entity other than the Government of the United States. The term includes any individual, private or commercial entity, nonprofit organization or association, international or multinational organization (irrespective of whether an agency holds membership in the organization or association), or foreign, State or local government (including the government of the District of Columbia).

*Payment* means a monetary payment from a non-Federal source to a Federal agency for travel, subsistence, related expenses by check or other monetary instrument payable to the Federal agency (*i.e.*, electronic fund transfer (EFT), money order, charge card, etc.) or payment in kind.

*Payment in kind* means transportation, food, lodging, or other travel-related services provided by a

non-Federal source instead of monetary payments to the Federal agency for these services. Payment in kind also includes waiver of any fees that a non-Federal source normally collects from meeting attendees (*e.g.*, registration fees).

*Travel, subsistence, and related expenses (travel expenses)* means the same types of expenses payable under chapter 301 of this title, the Foreign Affairs Manual (FAM), and the Joint Travel Regulations (JTR) for transportation, food, lodging or other travel-related services for official travel (*e.g.*, baggage expenses, services of guides, drivers, interpreters, communication services, hire of conference rooms, lodging taxes, laundry/dry cleaning, taxi fares, etc). These expenses also include conference or training fees (in whole or in part), as well as benefits that cannot be paid under the applicable travel regulations, but which are incident to the meeting, provided in kind, and made available by the meeting sponsor(s) to all attendees. For example, this definition as applied to this chapter would allow an employee or spouse to attend a sporting event hosted by the sponsor(s) in connection with the meeting that is available to all participants. However, it would not allow the employee to accept tickets to a professional sporting event, concert or similar event, for use at a later date even if such tickets were given to all other participants. The Foreign Affairs Manual is obtainable from: Bureau of Administration, A/IM/CST/MMS/DIR, Room 264, U.S. Department of State, Washington, DC 20520; (202) 647-3602. The Joint Travel Regulations are obtainable from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20342-0001, or available for downloading from the internet at <http://www.dtic.mil/perdiem>.

## PART 304-3—EMPLOYEE RESPONSIBILITY

### Subpart A—General

Sec.

304-3.1 To whom do the pronouns "I", "you", and their variants refer throughout this part?

304-3.2 What is the purpose of this part?

304-3.3 May my agency or I accept payment for travel expenses to a meeting from a non-Federal source?

304-3.4 What payments may my agency or I accept from a non-Federal source?

304-3.5 May I solicit payment of my travel expenses from a non-Federal source to attend a meeting?

304-3.6 May I inform a non-Federal source of my agency's authority to accept payment for travel expenses to attend a meeting?

304-3.7 What must I do if I am contacted directly by a non-Federal source offering to pay my travel expenses to attend a meeting?

304-3.8 Must I adhere to the provisions of the Fly America Act when I receive air transportation to a meeting furnished or paid by a non-Federal source?

304-3.9 May I use premium-class other than first-class common carrier accommodations when a non-Federal source pays in full for my transportation expenses to attend a meeting?

304-3.10 May I use first-class common carrier accommodations when a non-Federal source pays in full for my transportation expenses to attend a meeting?

304-3.11 Am I limited to the maximum subsistence allowances (per diem, actual expense or conference lodging) prescribed in applicable travel regulations for travel expenses paid by a non-Federal source?

304-3.12 Must I receive advance approval from my agency before I perform travel paid by a non-Federal source to attend a meeting?

304-3.13 After I begin travel to a meeting, what should I do if a non-Federal source offers to pay for one or more of my travel expenses without my or my agency's prior knowledge?

304-3.14 May a non-Federal source pay for my spouse to accompany me to a meeting?

304-3.15 Must I provide my agency with information about any payment I receive on its behalf?

### Subpart B—Reimbursement Claims

304-3.16 What must I submit to my agency for reimbursement when a non-Federal source pays all or part of my travel expenses to attend a meeting?

### Subpart C—Reports

304-3.17 If I am required to file a confidential or public financial disclosure report, must I report travel payments I receive from a non-Federal source on that report?

### Subpart D—Penalties

304-3.18 What happens if I accept a payment from a non-Federal source that is in violation of this part?

### Subpart E—Relation to Other Authorities

304-3.19 Are there other situations when I may accept payment from a non-Federal source for my travel expenses?

Authority: 5 U.S.C. 5707; 31 U.S.C. 1353.

### Subpart A—General

§ 304-3.1 To whom do the pronouns "I", "you", and their variants refer throughout this part?

Use of pronouns "I", "you", and their variants throughout this part refers to the employee.

§ 304-3.2 What is the purpose of this part?

The purpose of this part is to establish Governmentwide policy and guidance

for acceptance by a Federal agency of payment for travel expenses from a non-Federal source for employees to attend meetings. It describes how such payments must be accepted by the agency for travel of agency employee(s) and/or his/her spouse for official Government travel. Except as provided in § 304–3.13 of this part, advance agency approval is required to receive such payments.

**§ 304–3.3 May my agency or I accept payment for travel expenses to a meeting from a non-Federal source?**

Yes, you or your agency may accept such a payment from a non-Federal source, but you may only accept when your agency specifically authorizes such acceptance under the requirements of this part. Except as provided in § 304–3.13 of this part, your agency must approve acceptance of such payment in advance of your travel.

**§ 304–3.4 What payments may my agency or I accept from a non-Federal source?**

You or your agency may accept payments other than cash from a non-Federal source for all of your official travel expenses to attend a meeting of mutual interest, or any portion of those travel expenses mutually agreed upon between your agency and the non-Federal source. You may not accept payments for travel that is not to attend a meeting under this part. However, you may be able to accept payments under other authorities (see § 304–3.19).

**§ 304–3.5 May I solicit payment of my travel expenses from a non-Federal source to attend a meeting?**

No, you may not solicit payment for travel expenses from a non-Federal source to attend a meeting.

**§ 304–3.6 May I inform a non-Federal source of my agency's authority to accept payment for travel expenses to attend a meeting?**

Yes, you or your agency may inform the non-Federal source of your agency's authority to accept payment for travel expenses to attend a meeting.

**§ 304–3.7 What must I do if I am contacted directly by a non-Federal source offering to pay my travel expenses to attend a meeting?**

If you are contacted directly by a non-Federal source offering to pay any part of your travel expenses to attend a meeting, you must inform your agency, so that the authorized agency official can determine whether to accept the payment.

**§ 304–3.8 Must I adhere to the provisions of the Fly America Act when I receive air transportation to a meeting furnished or paid by a non-Federal source?**

No, if the payment or ticket was paid in full directly by the non-Federal source or reimbursed to your agency by the non-Federal source, the provisions of the Fly America Act do not apply. (See §§ 301–10.131 through 301–10.143 of this title for the regulations implementing the Fly America Act.)

**§ 304–3.9 May I use premium-class other than first-class common carrier accommodations when a non-Federal source pays in full for my transportation expenses to attend a meeting?**

Yes, you may use premium other than first-class common carrier accommodations if your agency authorizes you to do so in accordance with § 304–5.5 of this chapter.

**§ 304–3.10 May I use first-class common carrier accommodations when a non-Federal source pays in full for my transportation expenses to attend a meeting?**

Generally no. You may not use first-class common carrier accommodations unless you meet one of the criteria for first class travel contained in §§ 301–10.123, 301–10.162 and 301–10.183 of this title and are authorized to do so by your agency in accordance with § 304–5.6 of this chapter.

**§ 304–3.11 Am I limited to the maximum subsistence allowances (per diem, actual expense, or conference lodging) prescribed in applicable travel regulations for travel expenses paid by a non-Federal source?**

Generally yes. Subsistence expenses are usually limited to the maximum subsistence allowances (per diem, actual expenses or conference lodging) prescribed in Chapter 301 of this title for travel in CONUS, by the Secretary of Defense for travel in non-foreign areas and by the Secretary of State for travel in foreign areas. However, acceptance of payment for, and when applicable, reimbursement by an agency to an employee and the accompanying spouse of such employee are not subject to the maximum per diem or actual subsistence expense rates when traveling in CONUS or in non-foreign areas under the following conditions:

- (a) The non-Federal source pays the full amount of the subsistence expense, as authorized by your agency; and
- (b) The subsistence expense paid by the non-Federal source is comparable in value to that offered to or purchased by other meeting attendees; and
- (c) Your agency has approved acceptance of payment from the non-Federal source prior to your travel; if your agency has not approved any

acceptance from the non-Federal source, you may not exceed the maximum allowances. See § 304–3.13.

**Note:** The maximum subsistence allowances established by the Secretary of State for travel to foreign areas may not be exceeded.

**§ 304–3.12 Must I receive advance approval from my agency before I perform travel paid by a non-Federal source to attend a meeting?**

Yes, you must receive advance approval from your agency before performing travel paid by a non-Federal source to attend a meeting except as provided in § 304–3.13.

**§ 304–3.13 After I begin travel to a meeting, what should I do if a non-Federal source offers to pay for one or more of my travel expenses without my or my agency's prior knowledge?**

(a) If your agency has already authorized acceptance of payment for some of your travel expenses for that meeting from a non-Federal source, then you may accept on behalf of your agency, payment for any of your additional travel expenses from the same non-Federal source as long as—

(1) The expenses paid or provided in kind are comparable in value to those offered to or purchased by other similarly situated meeting attendees; and

(2) Your agency did not decline to accept payment for those particular expenses in advance of your travel.

(b) If your agency did not authorize acceptance of any payment from a non-Federal source prior to your travel, then—

(1) You may accept, on behalf of your agency, payment from a non-Federal source as authorized in this section—

(i) Only the types of travel expenses that are authorized by your travel authorization (*i.e.*, meals, lodging, transportation, but not recreation or other personal expenses); and

(ii) Only travel expenses that are within the maximum allowances stated on your travel authorization (*e.g.*, if your travel authorization states that you are authorized to incur lodging expenses up to \$100 per night, you may not accept payment from the non-Federal source for a \$200 per night hotel room);

(2) You must request your agency's authorization for acceptance from the non-Federal source within 7 working days after your trip ends; and

(3) If your agency does not authorize acceptance from the non-Federal source, your agency must either—

(i) Reimburse the non-Federal source for the reasonable approximation of the market value of the benefit provided,

not to exceed the maximum allowance stated on your travel authorization; or

(ii) Require you to reimburse the non-Federal source that amount and allow you to claim that amount on your travel claim for the trip.

(c) If you accept payment from a non-Federal source for travel expenses in violation of paragraph (a) or paragraph (b) of this section, you may be subject to the penalties specified in § 304–3.18.

**§ 304–3.14 May a non-Federal source pay for my spouse to accompany me to a meeting?**

Yes, a non-Federal source may pay for your spouse to accompany you when it is in the interest of and authorized in advance by your agency. All limitations and requirements of this part apply to the acceptance of payment from a non-Federal source for travel expenses and/or agency reimbursement of travel expenses for your accompanying spouse. Your agency may determine that your spouse's presence at an event is in the interest of the agency if your spouse will—

(a) Support the mission of your agency or substantially assist you in carrying out your official duties;

(b) Attend a ceremony at which you will receive an award or honorary degree; or

(c) Participate in substantive programs related to the agency's programs or operations.

**§ 304–3.15 Must I provide my agency with information about any payment I receive on its behalf?**

Yes. Your agency must submit to the U.S. Office of Government Ethics (OGE) a semiannual report (SF 326) of all payments it accepts under this part. You must be prepared to give your agency the information it needs in order to submit its report.

**Subpart B—Reimbursement Claims**

**§ 304–3.16 What must I submit to my agency for reimbursement when a non-Federal source pays all or part of my travel expenses to attend a meeting?**

You must submit a travel claim listing all allowable travel expenses that you incurred which were not paid in kind by a non-Federal source. Do not claim travel expenses that were furnished in kind by a non-Federal source. Your reimbursement is limited to the types of expenses authorized in Chapter 301 of this title or analogous provisions of the Joint Travel Regulations or Foreign Affairs Manual. Reimbursement from your agency for expenses will not in any case exceed the amount of the expenses you incur. Such reimbursement will also adhere to established regulatory

limitations except where your agency accepts payments under §§ 304–5.4, 304–5.5 or 304–5.6 of this chapter.

**Subpart C—Reports**

**§ 304–3.17 If I am required to file a confidential or public financial disclosure report, must I report travel payments I receive from a non-Federal source on that report?**

Generally, no. As long as payments you receive from a non-Federal source are made to or on behalf of your agency, you are not required to report them as gifts on any confidential or public disclosure report you are personally required to file pursuant to law or Office of Government Ethics (OGE) regulations (5 CFR part 2634). However, you may be required to report any such payments that you and/or your accompanying spouse receive on your own behalf, rather than on the agency's behalf, pursuant to other reporting requirements (e.g., those required by the Ethics in Government Act of 1978).

**Note:** The confidential financial disclosure report is OGE Form 450 and the public financial disclosure report is SF 278.

**Subpart D—Penalties**

**§ 304–3.18 What happens if I accept a payment from a non-Federal source that is in violation of this part?**

If you accept payment from a non-Federal source in violation of this part—

(a) You may be required, in addition to any other penalty provided by law and applicable regulations, to pay the general fund of the Treasury, an amount equal to any payment you accepted; and

(b) In the case of reimbursement under paragraph (a) of this section, you will not be entitled to any reimbursement from the Government for your travel expenses that the payment was intended to cover.

**Subpart E—Relation to Other Authorities**

**§ 304–3.19 Are there other situations when I may accept payment from a non-Federal source for my travel expenses?**

Yes, you may also accept payment of travel expenses from a non-Federal source under the following authorities, in addition to this part:

(a) Under 5 U.S.C. 4111 for acceptance of contributions, awards, and other payments from tax-exempt entities for non-Government sponsored training or meetings (see regulations issued by the Office of Personnel Management at 5 CFR part 410).

(b) Under 5 U.S.C. 7342 for travel taking place entirely outside the United States which is paid by a foreign

government, where acceptance is permitted by your agency and any regulations which may be prescribed by your agency.

(c) Under 5 U.S.C. 7324(b) when payment is for travel to be performed for a partisan rather than an official purpose in accordance with the Hatch Act (5 U.S.C. 7321–7326); or

(d) Pursuant to the applicable standards of ethical conduct regulations concerning personal acceptance of gifts. For example, under 5 CFR 2635.204(e), which authorizes executive branch employees to accept gifts based on outside business employment relationships. (Note: You may also be able to accept attendance at (but not other travel expenses to) a widely attended gathering under 5 CFR 2635.204(g)(2) when the gathering is not a meeting, as defined in this part, and you are not attending in your official capacity.)

**SUBCHAPTER B—AGENCY REQUIREMENTS**

**PART 304–4—AUTHORITY**

Sec.

304–4.1 To whom do the pronouns “we”, “you”, and their variants refer throughout this part?

304–4.2 What is the purpose of this part?

304–4.3 Under what other authority may we accept payment for travel expenses from a non-Federal source?

**Authority:** 5 U.S.C. 5707; 31 U.S.C. 1353.

**§ 304–4.1 To whom do the pronouns “we”, “you”, and their variants refer throughout this part?**

Use of pronouns “we”, “you”, and their variants throughout this part refers to the agency.

**§ 304–4.2 What is the purpose of this part?**

The purpose of this part is to establish Governmentwide policy and guidance for acceptance by a Federal agency of payment for travel expenses from a non-Federal source for employees to attend meetings under 31 U.S.C. 1353. It prescribes how such payments may be accepted.

**§ 304–4.3 Under what other authority may we accept payment for travel expenses from a non-Federal source?**

You may accept payment for travel expenses to events other than meetings from a non-Federal source pursuant to an agency gift statute or similar statutory authority. However, this part 304 is the only authority you may use to accept (or authorize your employee to accept on your behalf) payment for travel expenses from a non-Federal source to attend a meeting. For example, you could not pay the travel expenses

for an employee to attend a meeting and then authorize the employee to use the widely attended gathering exception in 5 CFR 2635.204(g)(2) to accept free attendance at that same meeting. You would only be able to accept payment for the employee's attendance at that meeting under this part 304.

**Note:** Employees may also be able to accept payment for travel expenses from non-Federal sources in their individual capacities under the authorities referenced in § 304–3.19.

## **PART 304–5—AGENCY RESPONSIBILITIES**

Sec.

304–5.1 When may we accept payment from a non-Federal source for travel to a meeting or authorize an employee to accept payment on our behalf?

304–5.2 Who must approve acceptance of payment from a non-Federal source for travel expenses to a meeting?

304–5.3 What does our approving official need to consider before authorizing acceptance of payment from a non-Federal source for travel expenses for a meeting?

304–5.4 May we authorize an employee to exceed the maximum subsistence allowances (per diem, actual expense, or conference lodging) prescribed in applicable travel regulations where we have authorized acceptance of payment from a non-Federal source for such allowances?

304–5.5 May we authorize an employee to travel by premium other than first-class common carrier accommodations if we accept payment in full from a non-Federal source for such transportation expenses?

304–5.6 May we authorize an employee to travel by first-class common carrier accommodations if we accept payment in full from a non-Federal source for such transportation expenses?

304–5.7 May we authorize acceptance of payment from more than one non-Federal source for a single trip?

**Authority:** 5 U.S.C. 5707; 31 U.S.C. 1353.

**§ 304–5.1 When may we accept payment from a non-Federal source for travel to a meeting or authorize an employee to accept payment on our behalf?**

You may accept payment from a non-Federal source or authorize an employee and/or the employee's spouse to accept payment on your behalf only when—

(a) You have issued the employee (and/or the employee's spouse, when applicable) a travel authorization before the travel begins;

(b) You have determined that the travel is in the interest of the Government;

(c) The travel relates to the employee's official duties; and

(d) The non-Federal source is not disqualified due to a conflict of interest under § 304–5.3.

**§ 304–5.2 Who must approve acceptance of payment from a non-Federal source for travel expenses to a meeting?**

An official at the highest practical administrative level who can evaluate the requirements in § 304–5.3, must approve acceptance of such payments.

**§ 304–5.3 What does our approving official need to consider before authorizing acceptance of payment from a non-Federal source for travel expenses for a meeting?**

(a) The approving official must not authorize acceptance of the payment if he/she determines that acceptance of the payment under the circumstances would cause a reasonable person with knowledge of all the facts relevant to a particular case to question the integrity of agency programs or operations. The approving official must be guided by all relevant considerations, including but not limited to the—

(1) Identity of the non-Federal source;

(2) Purpose of the meeting;

(3) Identity of other expected participants;

(4) Nature and sensitivity of any matter pending at the agency which may affect the interest of the non-Federal source;

(5) Significance of the employee's role in any such matter; and

(6) Monetary value and character of the travel benefits offered by the non-Federal source.

(b) The agency official may find that, while acceptance from the non-Federal source is permissible, it is in the interest of the agency to qualify acceptance of the offered payment by, for example, authorizing attendance at only a portion of the event or limiting the type or character of benefits that may be accepted.

**§ 304–5.4 May we authorize an employee to exceed the maximum subsistence allowances (per diem, actual expense, or conference lodging) prescribed in applicable travel regulations where we have authorized acceptance of payment from a non-Federal source for such allowances?**

(a) Generally, yes. Subsistence allowances are usually limited to the maximum subsistence allowances (per diem, actual expense, or conference lodging) prescribed in chapter 301 of this title for travel in CONUS, by the Secretary of Defense for travel in non-foreign areas, and by the Secretary of State for travel in foreign areas.

However, the maximum subsistence allowances established by this title and by the Secretary of Defense may be exceeded as long as—

(1) The non-Federal source pays the full amount of the subsistence expenses, at issue; and

(2) The subsistence expense paid by the non-Federal source is comparable in value to that offered to or purchased by meeting attendees.

(b) The maximum subsistence allowances prescribed by the Secretary of State for travel to foreign areas may not be exceeded.

**§ 304–5.5 May we authorize an employee to travel by premium other than first-class common carrier accommodations if we accept payment in full from a non-Federal source for such transportation expenses?**

Yes, you may authorize an employee to travel by premium other than first-class common carrier accommodations as long as the—

(a) Non-Federal source makes full payment for such transportation services in advance of travel; and

(b) Transportation accommodations furnished are comparable in value to those offered to, or purchased by, other similarly situated meeting attendees.

**§ 304–5.6 May we authorize an employee to travel by first-class common carrier accommodations if we accept payment in full from a non-Federal source for such transportation expenses?**

Generally, no; however, you may authorize an employee to travel by first-class common carrier accommodations if the—(a) Travel meets at least one of the conditions in §§ 301–10.123, 301–10.162 and 301–10.183 of this title; and

(b) Transportation accommodations furnished are comparable in value to those offered to, or purchased by, other similarly situated meeting attendees.

**§ 304–5.7 May we authorize acceptance of payment from more than one non-Federal source for a single trip?**

Yes, you may accept payment from more than one non-Federal source for a single trip, as long as the total of such payments do not exceed the total cost of the trip.

## **PART 304–6—PAYMENT GUIDELINES**

### **Subpart A—General**

Sec.

304–6.1 May we accept a monetary payment in the form of cash from a non-Federal source?

304–6.2 What should we do if a non-Federal source does not pay the full cost for expenses that an employee will incur during travel?

304–6.3 What happens if an employee accepts payment from a non-Federal source that is in violation of this part?

### **Subpart B—Reports**

304–6.4 What form must we use to report payments received by the agency from non-Federal sources?

304–6.5 What guidelines must we follow when using the Standard Form (SF) 326?

#### Subpart C—Valuation

304–6.6 How do we determine the value of payments in kind that are to be reported on Standard Form (SF) 326?

304–6.7 Must we report on the Standard Form (SF) 326 any information that is protected from disclosure by statute?

304–6.8 Will the reports be made available for public inspection?

304–6.9 Does acceptance by OGE of the Standard Form (SF) 326 constitute a determination by OGE that the data submitted is adequate or a concurrence by OGE in the agency's conflict of interest analysis?

**Authority:** 5 U.S.C. 5707; 31 U.S.C. 1353.

#### Subpart A—General

##### § 304–6.1 May we accept a monetary payment in the form of cash from a non-Federal source?

No, you may not accept a monetary payment in the form of cash from a non-Federal source. Monetary payment(s) received from a non-Federal source must be in the form of a check or similar instrument made payable to the agency.

##### § 304–6.2 What should we do if a non-Federal source does not pay the full cost for expenses that an employee will incur during travel?

If you determine in advance of the employee's travel that payment from a non-Federal source will cover some but not all of the employee's allowable travel and subsistence expenses you should state on the employee's travel authorization that the employee will be reimbursed the difference between the full allowances and the payment from the non-Federal source. See chapter 301 of this Title, 6 Foreign Affairs Manual, Chapter 100, or the Joint Travel Regulations (JTR), Chapter 4, Parts L and Q, as applicable to determine the applicable maximum allowances.

##### § 304–6.3 What happens if an employee accepts payment from a non-Federal source that is in violation of this part?

If an employee accepts payment from a non-Federal source in violation of this part—

(a) You may require the employee, in addition to any penalty provided by law and applicable regulations, to pay the general fund of the Treasury, an amount equal to the payment so accepted; and

(b) The employee shall not be entitled to any reimbursement from the Government for such expenses.

#### Subpart B—Reports

##### § 304–6.4 What form must we use to report payments received by the agency from non-Federal sources?

Your agency head or designee must submit Standard Form (SF) 326, Semiannual Report of Payments Accepted From a Non-Federal Source (fully completed) to report payments received from non-Federal sources. This applies to all payments that are more than \$250 per event for an employee and accompanying spouse. For purposes of the \$250 threshold, payments for an employee and accompanying spouse shall be aggregated. If you wish to use a form other than SF 326 to report such payments, you may seek permission to do so by contacting the Office of Government Ethics at United States Office of Government Ethics, 1201 New York Avenue, NW., Suite 500, Washington, DC 20005–3917.

##### § 304–6.5 What guidelines must we follow when using the Standard Form (SF) 326?

When completing the SF 326—

(a) You must fully complete each block on SF 326 without exception (including payments accepted for an accompanying spouse).

(b) You must also—

(1) Submit the SF 326 no later than May 31 for payments received from the preceding October 1 through March 31;

(2) Submit a SF 326 no later than November 30 for payments received from the preceding April 1 through September 30; and

(c) Submit the SF 326 including negative reports, to: Director of the Office of Government Ethics (OGE), 1201 New York Avenue, NW., Suite 500, Washington, DC 20005–3917.

#### Subpart C—Valuation

##### § 304–6.6 How do we determine the value of payments in kind that are to be reported on Standard Form (SF) 326?

The following should be used in the determination of the value of payments in kind for reporting on SF 326:

(a) For conference, training, or similar fees waived or paid by a non-Federal source, you must report the amount charged other participants.

(b) For transportation or lodging, you must report the cost that the non-Federal source paid or usually would have been charged for such event.

(c) For meals or other benefits that are not provided as part of the transportation, lodging, or a conference, training or similar fee, you must report the cost to the non-Federal source or provide a reasonable approximation of the market value of the benefit.

(d) For chartered, corporate or other private aircraft—

(1) When common carrier is available, you must report the first-class rate that would have been charged by a commercial air carrier at the time the event took place.

(2) When a common carrier is not available, you must report the cost of chartering a similar aircraft using a commercially available service.

(e) Lodging where no commercial rate is available: You must report the maximum lodging rate established by GSA for CONUS, Department of Defense for non-foreign areas and the Secretary of State for foreign areas. These rates are available on the Internet at the GSA Web site <http://www.gsa.gov/perdiem>, with links to the non-foreign and foreign area rates.

##### § 304–6.7 Must we report on the Standard Form (SF) 326 any information that is protected from disclosure by statute?

No. Information that is protected by statute from disclosure to the public should not be reported on the SF 326. However, if you omit otherwise reportable information from the SF 326 because the information may not be disclosed, you must notify OGE unless otherwise prohibited by law and, if requested by the Director of OGE, make the information available for inspection by an OGE employee with the requisite clearance.

##### § 304–6.8 Will the reports be made available for public inspection?

Yes, OGE must make any report filed by an agency under this part (that is not protected from disclosure by statute) available for public inspection and copying on the later of the following two dates:

(a) Within 30 days after the applicable due date.

(b) Within 30 days after the date OGE actually receives the report.

##### § 304–6.9 Does acceptance by OGE of the Standard Form (SF) 326 constitute a determination by OGE that the data submitted is adequate or a concurrence by OGE in the agency's conflict of interest analysis?

No. OGE is responsible for making the information provided by the agencies available to the public. It is each agency's responsibility to file the accurate and complete reports and to make the appropriate conflict of interest analysis.

## Subchapter C—Acceptance of Payments for Training

### PART 304-7—AUTHORITY/ APPLICABILITY

Sec.

304-7.1 What is the purpose of this subchapter?

304-7.2 To whom does this subchapter apply?

304-7.3 Who is exempt from this subchapter?

**Authority:** 5 U.S.C. 4111(b); E.O. 11609, 36 FR 13747, 3 CFR, 1971-1975 Comp., p. 586.

#### § 304-7.1 What is the purpose of this subchapter?

The purpose of this subchapter is to provide for reductions in per diem and other travel reimbursement when employees receive contributions, awards and other payments from non-Federal sources for training in non-Government facilities and attendance at meetings under 5 U.S.C. 4111.

#### § 304-7.2 To whom does this subchapter apply?

This subchapter applies to—

(a) Civilian officers and employees of—

(1) Executive departments as defined in 5 U.S.C. 101;

(2) Independent establishments as defined in 5 U.S.C. 104;

(3) Government corporations subject to chapter 91 of title 31 U.S.C.;

(4) The Library of Congress;

(5) The Government Printing Office (GPO);

(6) The government of the District of Columbia; and

(b) Commissioned officers of the National Oceanic and Atmospheric Administration.

#### § 304-7.3 Who is exempt from this subchapter?

The following, under 5 U.S.C. 4102 and the implementing regulation at 5 CFR 410.101(b), are exempt from this subchapter:

(a) A corporation supervised by the Farm Credit Administration if private interests elect or appoint a member of the board of directors.

(b) The Tennessee Valley Authority.

(c) An individual (except a commissioned officer of the National Oceanic and Atmospheric Administration) who is a member of a uniformed service during a period in which he is entitled to pay under 37 U.S.C. 204.

(d) The U.S. Postal Service, Postal Rate Commission and their employees.

### PART 304-8—DEFINITIONS

**Authority:** 5 U.S.C. 4111(b); E.O. 11609, 36 FR 13747, 3 CFR, 1971-1975 Comp., p. 586.

#### § 304-8.1 For the purpose of this subchapter, who is a donor?

A donor, for the purpose of this subchapter, is a non-profit charitable organization described by 26 U.S.C. 501(c)(3), that is exempt from taxation under 26 U.S.C. 501(a).

### PART 304-9—CONTRIBUTIONS AND AWARDS

Sec.

304-9.1 To whom do the pronouns “I”, “you”, and their variants refer throughout this part?

304-9.2 May we allow an employee to accept contributions and awards pertaining to training and payments incident to attendance at meetings under this subchapter?

304-9.3 May we pay an employee for expenses that are fully reimbursed by a donor for training in a non-Government facility, or travel expenses incident to attendance at a meeting?

304-9.4 May we reimburse an employee for training expenses that are not fully paid by a donor?

304-9.5 What if the employee is compensated by a donor and by us for the same expenses?

304-9.6 Must we reduce an employee's reimbursement when a donor pays for items for which we are not authorized to reimburse the employee?

304-9.7 Must we obtain data from employees or donors for all expenses received?

**Authority:** 5 U.S.C. 4111(b); E.O. 11609, 36 FR 13747, 3 CFR, 1971-1975 Comp., p. 586.

#### § 304-9.1 To whom do the pronouns “I”, “you”, and their variants refer throughout this part?

Use of pronouns “I”, “you”, and their variants throughout this part refers to the agency.

#### § 304-9.2 May we allow an employee to accept contributions and awards pertaining to training and payments incident to attendance at meetings under this subchapter?

Yes, you may allow an employee to accept contributions and awards pertaining to training and payments incident to attendance at meetings when you specifically authorize them to do so in accordance with OPM guidelines issued under section 401(b) of Executive Order 11348 (see 5 CFR part 410) and section 303(j) of Executive Order 11348 (3 CFR, 1966-1970 Comp., p. 639). The OPM guidelines may be found at 5 CFR 410.501 through 410.503.

#### § 304-9.3 May we pay an employee for expenses that are fully reimbursed by a donor for training in a non-Government facility, or travel expenses incident to attendance at a meeting?

No, you may not reimburse an employee for expenses that are fully

reimbursed by a donor for training in a non-Government facility, or travel expenses incident to attendance at a meeting.

#### § 304-9.4 May we reimburse an employee for training expenses that are not fully paid by a donor?

Yes, you may reimburse an employee for training expenses that are not fully paid by a donor an amount considered sufficient to cover the balance of expenses to the extent authorized by law and regulation, including 5 U.S.C. 4109 and 5 U.S.C. 4110.

#### § 304-9.5 What if the employee is compensated by a donor and by us for the same expenses?

If you reimburse an employee for expenses that are also paid by a donor, you must establish and carry out policy in accordance with 5 U.S.C. 5514 and the Federal Claims Collection Standards (31 CFR parts 900-904) to recover any excess amount paid to the employee.

#### § 304-9.6 Must we reduce an employee's reimbursement when a donor pays for items for which we are not authorized to reimburse the employee?

No, when a donor pays for travel expenses that the Government is not authorized to pay (such as travel expenses for an employee's family) no reduction in reimbursement to the employee is required.

#### § 304-9.7 Must we obtain data from employees or donors for all expenses received?

Yes, you must set agency policy to ensure collection of expense data in such detail as you deem necessary to carry out this part.

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 03-608, MB Docket No. 01-116, RM-10069]

### Digital Television Broadcast Service and Television Broadcast Service; Hibbing, MN

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Duluth-Superior Area Educational Television Corporation, substitutes DTV channel \*31 for channel \*18 at Hibbing, Minnesota. See 66 FR 32296, June 14, 2001. DTV