

Melbourne, FL; INT Melbourne 322° and Ormond Beach, FL, 211° radials; Ormond Beach; INT Ormond Beach 360° and Savannah, GA, 177° radials; Savannah; INT Savannah 054° and Charleston, SC, 231° radials; Charleston; to Florence, SC. The airspace within R-2935 is excluded.

\* \* \* \* \*

Issued in Washington, DC, on June 9, 2003.

**Reginald C. Matthews,**

*Manager, Airspace and Rules Division.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Parts 401, 404, and 413

[Amendment No. 401-3, 404-2, 413-5]

#### Commercial Space Transportation; Licensing Regulations

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** The FAA is amending its commercial space transportation regulations to update an address and certain job titles, to accurately reflect the current organization of the regulations, and to delete some non-essential information. These administrative changes are necessary to keep our regulations clear, accurate, and current. The intended effect is to make our regulations easier for the public and regulated industry to use.

**DATES:** This rule is effective on June 13, 2003.

**FOR FURTHER INFORMATION CONTACT:** Charles Huet, Office of Commercial Space Transportation, 800 Independence Avenue, Washington, DC 20591; telephone (202) 385-4659.

**SUPPLEMENTARY INFORMATION:** The FAA is making some technical or administrative changes to its commercial space transportation regulations. These changes do not affect the substance of the existing regulations, impose no new requirements, and have no impact on activities carried out under the regulations.

The Secretary of Transportation has delegated commercial space licensing authority, which had previously been a function within the Office of the Secretary, to the Federal Aviation Administration. As a result, the address of the Office of Commercial Space Transportation changed. The title of the head of the office changed. Also, the official who designates a legal officer for

a regulatory hearing changed. Today's amendments reflect these changes.

The Commercial Space Act of 1998 (Pub. L. 105-303) expanded the jurisdiction of the Office of Commercial Space Transportation. In addition to its previous responsibility, the office now licenses launch of a reusable launch vehicle, operation of a reentry site, and reentry of a reentry vehicle. Previously, the FAA amended the regulations to add parts addressing these areas. The FAA is now amending 14 CFR 413.1 by adding a chart that guides the applicant to the appropriate part.

#### Procedural Matters

Under the Administrative Procedure Act (APA), 5 U.S.C. 553, agencies must generally publish regulations for public comment and give the public at least 30 days notice before adopting regulations. There is an exception to these requirements if the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. In this case, the FAA finds that notice and comment requirements are unnecessary due to the administrative nature of the changes. The changes do not affect the rights or obligations of any regulated entity. It is in the public interest that the changes take effect promptly.

#### List of Subjects

##### 14 CFR Part 401

Organization and functions (Government agencies), Space transportation and exploration.

##### 14 CFR Part 404

Administrative practice and procedure, Space transportation and exploration.

##### 14 CFR Part 413

Confidential business information, Space transportation and exploration.

#### The Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends Chapter I of Title 14, Code of Federal Regulations as follows:

#### PART 401—ORGANIZATION AND DEFINITIONS

■ 1. The authority citation for part 401 continues to read as follows:

**Authority:** 49 U.S.C. 70101-70121.

■ 2. Revise § 401.1 to read as follows:

##### § 401.1 The Office of Commercial Space Transportation.

The Office of Commercial Space Transportation, referred to in these

regulations as the "Office," is a line of business within the Federal Aviation Administration and is located in the Federal Aviation Administration Headquarters, 800 Independence Avenue, SW., Room 331, Washington, DC 20591.

#### § 401.3 [Amended]

■ 3. Amend § 401.3 by removing the words "a Director" and adding in its place the words "an Associate Administrator".

#### PART 404—REGULATIONS AND LICENSING REQUIREMENTS

■ 4. The authority citation for part 404 continues to read as follows:

**Authority:** 49 U.S.C. 70101-70121.

##### §§ 404.3, 404.5, 404.11, 404.13, 404.17, and 404.19 [Amended]

■ 5. In 14 CFR part 404, remove the word "Director" and add, in its place, the words "Associate Administrator" in the following places:

- a. Section 404.3(c);
- b. Section 404.5;
- c. Section 404.11;
- d. Section 404.13;
- e. Section 404.17; and
- f. Section 404.19(b).

■ 6. Revise the second sentence of § 404.19(b) to read as follows:

##### § 404.19 Hearings.

\* \* \* \* \*

(b) \* \* \* The FAA Chief Counsel designates a legal officer for the hearing.

#### PART 413—LICENSE APPLICATION PROCEDURES

■ 7. The authority citation for part 413 continues to read as follows:

**Authority:** 49 U.S.C. 70101-70121.

■ 8. Revise § 413.1 to read as follows:

##### § 413.1 Scope.

(a) This part prescribes the procedures applicable to applications submitted under this chapter to conduct licensed activities. These procedures apply to all applications for issuance of a license, transfer of an existing license, and renewal of an existing license.

(b) Use the following table to locate specific requirements:

| Subject                                                         | Part |
|-----------------------------------------------------------------|------|
| (1) Launch License .....                                        | 415  |
| (2) License to Operate a Launch Site .....                      | 420  |
| (3) Launch and Reentry of a Reusable Launch Vehicle (RLV) ..... | 431  |
| (4) License to Operate a Reentry Site .....                     | 433  |

| Subject                                                                           | Part |
|-----------------------------------------------------------------------------------|------|
| (5) Reentry of a Reentry Vehicle other than a Reusable Launch Vehicle (RLV) ..... | 435  |

Issued in Washington, DC, on June 10, 2003.

**Donald P. Byrne,**

*Assistant Chief Counsel, Regulations Division.*

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## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### 14 CFR Part 1260

#### NASA Grant and Cooperative Agreement Handbook—Unsolicited Proposals

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the NASA Grant and Cooperative Agreement Handbook to consolidate existing coverage regarding unsolicited proposals awarded as grants or cooperative agreements under a single new section.

**EFFECTIVE DATE:** June 13, 2003.

**FOR FURTHER INFORMATION CONTACT:** Paul Brundage, NASA Headquarters, Code HC, Washington, DC, (202) 358–0481, e-mail: [paul.brundage@hq.nasa.gov](mailto:paul.brundage@hq.nasa.gov).

#### SUPPLEMENTARY INFORMATION:

##### A. Background

Coverage regarding unsolicited proposals awarded as grants or cooperative agreements is set out in different sections of NASA's Grant and Cooperative Agreement Handbook. This change consolidates and clarifies that coverage in a new § 1260.17.

##### B. Regulatory Flexibility Act

NASA certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because the changes merely consolidate existing guidance.

##### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this final rule does not impose any new recordkeeping or information collection requirements, or collection of information from offerors, contractors, or members of the public that require the approval of the Office of

Management and Budget under 44 U.S.C. 3501, *et seq.*

#### List of Subjects in 14 CFR Part 1260

Grant programs—science and technology.

**Tom Luedtke,**

*Assistant Administrator for Procurement.*

Accordingly, 14 CFR part 1260 is amended as follows:

■ 1. The authority citation for 14 CFR part 1260 continues to read as follows:

**Authority:** 42 U.S.C. 2473(c)(1), Pub. L. 97–258, 96 Stat. 1003 (31 U.S.C. 6301, *et seq.*) and OMB Circular A–110.

#### PART 1260—GRANTS AND COOPERATIVE AGREEMENT

■ 1. In section 1260.10, revise paragraph (a)(2) to read as follows:

##### § 1260.10 Proposals.

(a) \* \* \*

(2) An *unsolicited proposal*. (See § 1260.17.)

■ 2. In section 1260.11, revise paragraph (d) to read as follows:

##### § 1260.11 Evaluation and selection.

(d) For unsolicited proposals, *see* § 1260.17.

■ 3. Add section 1260.17 to read as follows:

##### § 1260.17 Evaluation and selection of unsolicited proposals.

(a) Unsolicited proposals are for new and innovative ideas. Federal Acquisition Regulation (FAR) 48 CFR Subpart 15.6 and NASA FAR Supplement (NFS) 48 CFR Subpart 1815.6 set out NASA's procedures for their submission and evaluation. Consult "Guidance for the Preparation and Submission of Unsolicited Proposals" (*see* <http://ec.msfc.nasa.gov/hq/library/unSol-Prop.html>) for additional information. NASA recommends contact with NASA technical personnel before submission of an unsolicited proposal to determine if preparation is warranted. These discussions should be limited to understanding NASA's need for research and do not jeopardize the unsolicited status of any subsequently submitted proposal.

(b) NASA will evaluate unsolicited proposals the same whether awarded as grants or contracts. However, the requirement to synopses set out in FAR Part 5 does not apply to grants.

(c) All unsolicited proposals recommended for acceptance as grants shall be supported by a Justification for Acceptance of an Unsolicited Proposal (JAUP) prepared by the cognizant technical office. The JAUP shall be

submitted for the approval of the grant officer after review and concurrence at a level above the technical officer. However, review and concurrence are not required for technical officers at a division chief or higher level. The grant officer's signature awarding the grant constitutes approval of the JAUP.

(d) If an unsolicited proposal will not be funded, NASA will notify in writing the organization or person that submitted it. The method of notification is at the discretion of the grant officer. Proposals will be returned only when requested.

(e) Because unsolicited proposals are awarded without competition, written justifications for equipment and travel shall be submitted by the technical office to the grant officer when more than half of the proposed budget is for equipment, travel, and their associated indirect costs. The grant officer's signature awarding the grant constitutes approval of the justification.

[FR Doc. 03–14935 Filed 6–12–03; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 347

[Docket No. 78N–021A]

**RIN 0910–AA01**

#### Skin Protectant Drug Products for Over-the-Counter Human Use; Astringent Drug Products; Final Monograph; Direct Final Rule

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

**ACTION:** Direct final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the regulation that established conditions under which over-the-counter (OTC) skin protectant astringent drug products are generally recognized as safe and effective and not misbranded. This action revises some labeling for astringent drug products to be consistent with the final rule for OTC skin protectant drug products (68 FR 33362, June 4, 2003) and adds labeling for certain small packages (styptic pencils). This action is part of FDA's ongoing review of OTC drug products. Elsewhere in this issue of the **Federal Register**, FDA is publishing a companion proposed rule, under FDA's usual procedure for notice-and-comment rulemaking, to provide a procedural framework to finalize the