

be noted in the Board's decision when rendered.

\* \* \* \* \*

(Authority: 38 U.S.C. 7107, Pub. L. 103-446, Sec. 302)

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## COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

### 41 CFR Parts 51-3 and 51-4

#### Miscellaneous Amendments to Committee Regulations

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Final rule.

**SUMMARY:** The Committee is changing the dates by which the annual certifications by participating nonprofit agencies are due to the central nonprofit agencies and the Committee.

**EFFECTIVE DATE:** October 14, 2003.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202-3259.

**FOR FURTHER INFORMATION CONTACT:** G. John Heyer (703) 603-0665. Copies of this notice will be made available on request in computer diskette format.

**SUPPLEMENTARY INFORMATION:** The Committee is revising 41 CFR §§ 51-3.2(m) and 51-4.3(a) to change the dates on which the Annual Certifications (Committee Form 403 or 404) submitted at the end of each Federal fiscal year by nonprofit agencies participating in the Committee's program are due to the central nonprofit agencies and the Committee. The purpose of this change is to ensure that the data is received in a more timely manner than is currently the case. The Committee is proposing to change the date the certification forms are due to the central nonprofit agencies from November 15 of each year to November 1, and the date the forms are due to the Committee from December 15 to December 1.

Notice of proposed rulemaking was published on August 1, 2003 (68 FR 45195). In addition, the central nonprofit agency which represents the great majority of nonprofit agencies participating in the Committee's program circulated the proposed regulatory changes to its participating nonprofit agencies.

Twenty-one public comments were received, all from nonprofit agencies

participating in the Committee's program. Sixteen comments objected to the change as placing an undue burden on the nonprofit agencies' ability to report fiscal year-end numbers when required. Two nonprofit agencies expressed only minor inconvenience in meeting the new deadline of November 1, and three others indicated that they would be able to meet the new deadline. The nonprofit agencies objecting to the deadline changes represent less than three percent of the over 600 nonprofit agencies participating in the Committee's program. The Committee does not believe that possible inconvenience to a small percentage of its participating nonprofit agencies justifies frustrating the needed improvements in its data reporting system.

Neither central nonprofit agency objected to the change in its reporting deadline from December 15 to December 1. The Committee does not believe the change, which shortens the reporting deadlines by only 15 days, will unduly impact nonprofit agencies participating in the Committee's program. These nonprofit agencies already submit quarterly data reports to their central nonprofit agencies 30 days after the close of each quarter, so their fiscal year-end report merely requires them to combine and update the totals they have already reported, and to provide the annual report at the same time they provide the fourth quarter data to the central nonprofit agencies. As this data is now generally compiled and reported on an electronic basis, the 45-day period which the regulations previously allowed between the close of a fiscal year and the submission of the annual report by nonprofit agencies can no longer be justified. The Committee does not believe that the requirement to have the report signed by the nonprofit agency's chief executive officer and an officer of the board of directors should cause nonprofit agencies to miss the new filing deadline, particularly as most of the participating nonprofit agencies are small community organizations whose executives and board officers are readily available.

The Committee believes it has a compelling need to accelerate the data reporting contained in the annual reports, in order to identify and take corrective action on nonprofit agencies which are falling short of meeting statutory requirements to remain in the Committee's program. The regulatory changes the Committee is making are a part of an initiative which will allow the Committee to conduct this corrective process earlier than is currently the case, and to restore more participating

nonprofit agencies to good standing in its program, thus furthering the Committee's statutory mission of increasing employment of people with severe disabilities.

These reporting deadline changes will also allow the Committee to meet its own statutory and regulatory oversight responsibilities in a more timely manner.

However, to help those nonprofit agencies which may experience difficulty adjusting to the new deadline, the Committee is willing to allow those nonprofit agencies which cannot meet the new filing deadline for their Fiscal Year 2003 reports to file them no later than the previous deadline of November 15, 2003. These nonprofit agencies will be required to meet the new deadline when filing their Fiscal Year 2004 annual reports, if they are to maintain their good standing within the Javits-Wagner-O'Day Program.

#### Regulatory Flexibility Act

I certify that this revision of the Committee regulations will not have a significant economic impact on a substantial number of small entities because the revision clarifies program policies and does not essentially change the impact of the regulations on small entities.

#### Paperwork Reduction Act

The Paperwork Reduction Act does not apply to this final rule because it contains no new information collection or recordkeeping requirements as defined in that Act and its regulations.

#### Executive Order No. 12866

The Committee has been exempted from the regulatory review requirements of the Executive Order by the Office of Information and Regulatory Affairs. Additionally, the rule is not a significant regulatory action as defined in the Executive Order.

#### List of Subjects

##### 41 CFR Part 51-3

Government procurement, Handicapped.

##### 41 CFR Part 51-4

Reporting and recordkeeping requirements.

■ For the reasons set out in the preamble, Parts 51-3 and 51-4 of Title 41, Chapter 51 of the Code of Federal Regulations are amended as follows:

■ 1. The authority citations for Parts 51-3 and 51-4 continue to read as follows:

**Authority:** 41 U.S.C. 46-48c.

**PART 51-3—CENTRAL NONPROFIT AGENCIES**

■ 2. Section 51-3.2 is amended by revising paragraph (m), to read as follows:

**§ 51-3.2 Responsibilities under the JWOD Program.**

\* \* \* \* \*

(m) Review and forward to the Committee by December 1 of each year a completed original copy of the appropriate Annual Certification (Committee Form 403 or 404) for each of its participating nonprofit agencies covering the fiscal year ending the preceding September 30.

\* \* \* \* \*

**PART 51-4—NONPROFIT AGENCIES**

■ 3. Section 51-4.3 is amended by revising the second sentence of paragraph (a), to read as follows:

**§ 51-4.3 Maintaining qualification.**

(a) \* \* \* In addition, each such nonprofit agency must submit to its central nonprofit agency by November 1 of each year, two completed copies of the appropriate Annual Certification (Committee Form 403 or 404) covering the fiscal year ending the preceding September 30.

\* \* \* \* \*

Dated: September 8, 2003.

**Leon A. Wilson, Jr.,**  
*Executive Director.*

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 660**

[Docket No. 020430101-2101-01; I.D. 082503A]

**Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #3 - Closure and Reopening of the Recreational Fishery from Cape Falcon, Oregon to Humbug Mountain, Oregon**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Adjustment; request for comments.

**SUMMARY:** NMFS announces that the recreational selective fishery for marked

hatchery coho salmon in the area from Cape Falcon, OR to Humbug Mountain, OR, was closed at midnight on August 19, 2003. The Northwest Regional Administrator, NMFS (Regional Administrator), determined that the quota of 88,000 marked hatchery coho had been reached. The recreational fishery for all salmon except coho then reopened on August 20, 2003, as scheduled in the 2003 annual management measures. This action was necessary to conform to the 2003 management goals.

**DATES:** Closure of the selective fishery for marked hatchery coho in the area from Cape Falcon to Humbug Mountain effective 2359 hours local time (l.t.), August 19, 2003, until the effective dates of the 2004 management measures, which will be published in the **Federal Register** for the West Coast salmon fisheries. Reopening the recreational fishery for all salmon except coho in the area from Cape Falcon to Humbug Mountain effective 0001 hours l.t., August 20, 2003 through October 31, 2003. Comments will be accepted through September 29, 2003.

**ADDRESSES:** Comments on this action must be mailed to D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, NOAA, 7600 Sand Point Way N.E., Bldg. 1, Seattle, WA 98115-0070; or faxed to 206-526-6376; or Rod McInnis, Acting Regional Administrator, Southwest Region, NMFS, NOAA, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4132; or faxed to 562-980-4018. Comments will not be accepted if submitted via e-mail or the Internet. Information relevant to this document is available for public review during business hours at the Office of the Regional Administrator, Northwest Region, NMFS.

**FOR FURTHER INFORMATION CONTACT:** Christopher Wright, 206-526-6140.

**SUPPLEMENTARY INFORMATION:** The Regional Administrator closed the recreational selective fishery for coho in the area from Cape Falcon, OR to Humbug Mountain, OR effective at midnight on Tuesday, August 19, 2003. Information provided on August 14, 2003, estimated that the quota of 88,000 marked coho salmon would be reached by August 19, 2003. Automatic season closures based on quotas are authorized by regulations at 50 CFR 660.409(a)(1). The recreational fishery for all salmon except coho reopened on August 20, 2003, as scheduled in the 2003 annual management measures.

In the 2003 annual management measures for ocean salmon fisheries (68 FR 23913, May 6, 2003), NMFS

announced that the recreational selective fishery for marked hatchery coho in the area from Cape Falcon, OR to Humbug Mountain, OR would open on June 21 through the earlier of August 24 or the attainment of a 88,000-marked coho quota, and the all salmon except coho season would then reopen the earlier of August 25 or the attainment of the marked hatchery coho quota.

On August 14, 2003, the Regional Administrator consulted with representatives of the Pacific Fishery Management Council and Oregon Department of Fish and Wildlife (ODFW) by conference call. Information related to catch to date, the coho catch rate, and effort data indicated that it was likely that the quota would be reached by August 19, 2003. As a result, the State of Oregon recommended, and the Regional Administrator concurred, that the recreational selective fishery for marked hatchery coho in the area from Cape Falcon, OR to Humbug Mountain, OR close effective at midnight on Tuesday, August 19, 2003, with the all salmon except coho fishery reopening on August 20, 2003. All other regulations that apply to this fishery remain in effect as announced in the 2003 annual management measures and subsequent inseason actions.

The Regional Administrator determined that the best available information indicated that the catch and effort data, and projections, supported the above inseason action recommended by the ODFW. The states manage the fisheries in state waters adjacent to the areas of the U.S. exclusive economic zone in accordance with this Federal action. As provided by the inseason notice procedures of 50 CFR 660.411, actual notice to fishers of the above described action was given prior to the effective date by telephone hotline number 206-526-6667 and 800-662-9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 kHz.

This action does not apply to other fisheries that may be operating in other areas.

**Classification**

The Assistant Administrator for Fisheries, NOAA (AA), finds that good cause exists for this notification to be issued without affording prior notice and opportunity for public comment under 5 U.S.C. 553(b)(B) because such notification would be impracticable. As previously noted, actual notice of this action was provided to fishers through telephone hotline and radio notification. This action complies with the requirements of the annual management measures for ocean salmon fisheries (68