

**DATES:** Comments and sources must be submitted on or before April 21, 2003.

**ADDRESSES:** Edith Butler, Program Analyst, U.S. Small Business Administration, 409 3rd Street, SW., Washington DC, 20416, Tel: (202) 619-0422.

**FOR FURTHER INFORMATION CONTACT:** Edith Butler, Program Analyst, (202) 619-0422 FAX (202) 205-7280.

**SUPPLEMENTARY INFORMATION:** Pub. L. 100-656, enacted on November 15, 1988, incorporated into the Small Business Act the previously existing regulation that recipients of Federal contracts set aside for small businesses or SBA 8(a) Program procurement must provide the product of a small business manufacturer or processor, if the recipient is other than the actual manufacturer or processor. This requirement is commonly referred to as the Nonmanufacturer Rule. The SBA regulations imposing this requirement are found at 13 CFR 121.406(b). Section 303(h) of the law provides for waiver of this requirement by SBA for any "class of products" for which there are no small business manufacturers or processors in the Federal market.

To be considered available to participate in the Federal market on these classes of products, a small business manufacturer must have submitted a proposal for a contract solicitation or received a contract from the Federal government within the last 24 months. The SBA defines "class of products" based on six digit coding systems.

The first coding system is the Office of Management and Budget *North American Industry Classification System (NAICS)*. The second is the Product and Service Code established by the Federal Procurement Data System.

The U.S. Small Business Administration is currently processing a request to waive the Nonmanufacturer Rule for Small Arms Manufacturing, North American Industry Classification System (NAICS) 332994. The public is invited to comment or provide source information to SBA on the proposed waiver of the nonmanufacturer rule for this NAICS code.

**Linda G. Williams,**

*Associate Administrator for Government Contracting.*

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**BILLING CODE 8025-01-P**

## LIBRARY OF CONGRESS

### Copyright Office

#### 37 CFR Part 201

[Docket No. RM 2002-4C]

#### Notice of Public Hearings: Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Notice of Public Hearings in Los Angeles, CA.

**SUMMARY:** The Copyright Office of the Library of Congress will be holding two days of public hearings in Los Angeles, California on the possible exemptions to the prohibition against circumvention of technological measures that control access to copyrighted works and is extending the due date for requests to testify in California.

**DATES:** Public hearings will be held at the UCLA School of Law on May 14 and 15, 2003, beginning at 9 a.m. Requests to testify for these California hearings must be received by 5 p.m. E.S.T. on April 8, 2003. See **SUPPLEMENTARY INFORMATION** for additional information on other requirements.

**ADDRESSES:** The Los Angeles, California round of public hearings will be held on May 14 and 15, 2003 in the Moot Court Room, Room 1310, of the UCLA School of Law, 405 Hilgard Avenue, Los Angeles, CA. See **SUPPLEMENTARY INFORMATION** for additional address information and other requirements.

**FOR FURTHER INFORMATION CONTACT:** Rob Kasunic, Senior Attorney, Office of the General Counsel, Copyright GC/I&R, PO Box 70400, Southwest Station, Washington, DC 20024. Telephone (202) 707-8380; fax (202) 707-8366. Requests to testify must be sent by email to [1201@loc.gov](mailto:1201@loc.gov). Email inquiries regarding the hearings may be sent to [rkas@loc.gov](mailto:rkas@loc.gov).

**SUPPLEMENTARY INFORMATION:** On October 15, 2002, the Copyright Office published a Notice of Inquiry seeking comments in connection with a rulemaking pursuant to section 1201(a)(1) of the Copyright Act, 17 U.S.C. 1201(a)(1), which provides that the Librarian of Congress may exempt certain classes of works from the prohibition against circumventing a technological measure that controls access to a copyrighted work. For a more complete statement of the background and purpose of the rulemaking, please see the Notice of Inquiry and the full record of the

previous rulemaking proceeding available on the Copyright Office's Web site at:

<http://www.copyright.gov/1201/>.

On March 20, 2003, the Copyright Office announced that it would be holding public hearings relating to the rulemaking in Washington DC on April 11, April 15, April 30, and May 2, 2003, and that public hearings would subsequently be held in California in May, on dates and at a location to be announced later. 68 FR 13652 (March 20, 2003).

The Copyright Office is now announcing that the California hearings will be conducted on May 14 and 15, 2003 to hear testimony relating to the rulemaking. The hearings will be conducted in Room 1310 at the UCLA School of Law, located at 405 Hilgard Avenue, Los Angeles, California.

The March 20 notice invited interested parties to submit requests to testify at one of these hearings. Requests were to be submitted no later than April 1, 2003. Given the timing of this announcement on the precise dates and location of the California hearings, the Copyright Office is extending the due date for requests to testify at the Los Angeles, CA hearings only until 5 p.m., E.S.T., April 8, 2003.

#### Requirements for Persons Desiring To Testify

A request to testify must be submitted to the Copyright Office. All requests to testify must clearly identify:

- The name of the person desiring to testify,
- The organization or organizations represented, if any,
- Contact information (address, telephone, and email),
- The class of work to which your testimony is responsive (if you wish to testify on more than one proposed class of work, please state your order of preference),<sup>1</sup>
- A brief summary of your proposed testimony,
- A description of any audiovisual material or demonstrative evidence, if any, that you intend to present,
- Preferences as to dates on which you wish to testify. *Note:* Because the agenda will be organized based on subject matter, we cannot guarantee that we can accommodate requests to testify on particular dates.

The Copyright Office notes that it has already received many requests to testify that have not complied with

<sup>1</sup> The 51 written comments proposing classes of works to be exempted and the 338 reply comments have been posted on the Office's Web site; see <http://www.copyright.gov/1201/>.

these requirements, particularly the requirement to identify the class of work to which the testimony is responsive. Requests to testify that do not conform to these requirements will not be considered, since the hearing sessions will be structured around particular or related proposed classes of works to be exempted. Persons who submit a timely request to testify will receive a response by email or telephone by April 14, 2003. The Copyright Office will notify all witnesses of the date and expected time of their appearance, and the time allocated for their testimony.

At the UCLA School of Law, only limited on-site parking will be available for participants and the public. Persons wishing to attend the hearings are encouraged to make alternative transportation plans or to park in commercial parking lots located near UCLA. The Office will post additional information on parking at UCLA on the Copyright Office's Web site at <http://www.copyright.gov/1201/>.

#### Addresses for Requests to Testify

All requests to testify must be sent by email to [1201@loc.gov](mailto:1201@loc.gov) and must be received by 5 E.S.T. on April 8, 2003. Persons who are unable to send requests by email should contact Rob Kasunic, Senior Attorney, at (202) 707-8380 to make alternative arrangements for submission of their requests to testify.

#### Form and Limits on Testimony at Public Hearings

There will be time limits on the testimony allowed for persons testifying that will be established after receiving all requests to testify. In the written comment period, the Office received nearly 400 written comments. Given the time constraints, only a fraction of that number could possibly testify at the hearings. A timely request to testify does not guarantee an opportunity to testify at these hearings. The Copyright Office encourages parties with similar interests to select common representatives to testify on behalf of a particular position.

The Copyright Office stresses that factual arguments are at least as important as legal arguments and encourages persons who wish to testify to provide demonstrative evidence to supplement their testimony. While testimony from attorneys who can articulate legal arguments in support of or opposition to a proposed exempted class of works is useful, testimony from witnesses who can explain and demonstrate the facts is also solicited. Any electronic or audiovisual equipment necessary for a presentation or demonstration at these California

hearings should be brought by the person testifying.

The Office intends to organize individual sessions of the hearings around particular or related classes of works proposed for exemption. If a request to testify involves more than one proposed exemption or related exemption, please specify, in order of preference, the proposed exemptions on which you would prefer to testify.

Following receipt of the requests to testify, the Copyright Office will inform all parties requesting to testify whether they have been accepted. The Copyright Office will also prepare an agenda of the hearings which will be posted on the Copyright Office Web site at <http://www.copyright.gov/1201/> and sent to persons who have been accepted to testify. To facilitate this process, it is essential that all of the required information listed above be included in a request to testify.

Dated: March 31, 2003.

**David O. Carson,**  
General Counsel.

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

#### 42 CFR Part 440

[CMS-2132-P]

RIN 0938-AM26

#### Medicaid Program; Provider Qualifications for Audiologists

**AGENCY:** Centers for Medicare & Medicaid Services (CMS), HHS.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would revise the requirements for audiologists furnishing services under the Medicaid program. In addition, it would create consistency with the Medicare requirements that define a qualified audiologist by recognizing the role of State licensure in determining provider qualifications. These revised standards would expand State flexibility in choosing qualified audiologists.

**DATES:** We will consider comments if we receive them at the appropriate address, as provided below, no later than 5 p.m. on June 2, 2003.

**ADDRESSES:** In commenting, please refer to file code CMS-2132-P. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission or e-mail.

Mail written comments (one original and two copies) to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS-2132-P, P.O. Box 3016, Baltimore, MD 21244-3016.

Please allow sufficient time for mailed comments to be timely received in the event of delivery delays.

If you prefer, you may deliver (by hand or courier) your written comments (one original and two copies) to one of the following addresses: Room 445-G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, or Room C5-14-03, 7500 Security Boulevard, Baltimore, MD 21244-1850.

(Because access to the interior of the HHH Building is not readily available to persons without Federal government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

Comments mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and could be considered late.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

**FOR FURTHER INFORMATION CONTACT:** Linda Peltz, (410) 786-3399.

#### SUPPLEMENTARY INFORMATION:

*Inspection of Public Comments:* Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone (410) 786-7195.

*Copies:* This **Federal Register** document is also available from the **Federal Register** online database through *GPO Access*, a service of the U.S. Government Printing Office. The Web site address is: <http://www.access.gpo.gov/nara/index.html>.

## I. Background

### A. Legislation

#### Medicaid Requirements

Title XIX of the Social Security Act (the Act) authorizes Federal grants to States for Medicaid programs that