

to promote the non-use of all tobacco products. In particular, Public Law 103-227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care or early childhood development services are provided to children.

Public Health System Reporting

Requirements: This program is also subject to the PHS Reporting Requirements which have been approved by the OMB under No. 0937-0195. Under these requirements, any community-based, non-governmental applicant must prepare and submit a Public Health System Impact Statement (PHSIS). The PHSIS is intended to keep State and local health officials apprised of proposed health services grant applications submitted from within their jurisdictions. Instructions on this matter are contained in the Guidance for this initiative, available from the GAC.

Paperwork Reduction Act: Should there be any data collection activities associated with this funding that fall under the purview of the Paperwork Reduction Act, OMB clearance will be sought.

Executive Order 12372: The SPNS Grant Program is subject to the provisions of Executive Order 12372, concerning intergovernmental review of Federal Programs, as implemented by 45 CFR part 100. Executive Order 12372 allows States the option of setting up a system for reviewing applications from within their States for assistance under certain Federal programs. The application packages to be made available under this notice will contain a listing of States which have chosen to set up a review system and will provide a State Single Point of Contact (SPOC) for the review. Applicants (other than federally recognized Indian tribes) should contact their SPOCs as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. The due date for State process recommendations under E.O. 12372 is 60 days after the application due date. HRSA does not guarantee that it will accommodate or explain its responses to State process recommendations received after that date. (See "Intergovernmental Review of Federal Programs," Executive Order 12372, and 45 CFR part 100, for a description of the review process and requirements. For additional information go to: <http://www.whitehouse.gov/omb/grants/spoc.html>.)

Review Process: Applications submitted in response to the NOAF will be reviewed for threshold criteria and merit by an Objective Review Committee. Applicants should carefully review the criteria, in relation to the Program Requirements, to ensure that their applications address each criterion. Reviewers will use only the information you include in your application. Therefore, it is important that you write clearly and be specific. You should assume that the reviewers know nothing about your organization or the work you do. The threshold criteria for Category A demonstration project sites and Category B Evaluation and Support Center are: (1) Need (15 points), (2) Response (25 points), (3) Evaluative Measures (20 points), (4) Impact (15 points), (5) Resources/Capabilities (15 points) and (6) Support Requested (10 points). These criteria are more completely defined in the Application Kit.

Dated: February 26, 2004.

Elizabeth M. Duke,
Administrator.

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DEPARTMENT OF HOMELAND SECURITY

Bureau of Citizenship and Immigration Services

[CIS NO. 2313-04]

Information Regarding the H-2B Numerical Limitation for Fiscal Year 2004

AGENCY: Bureau of Citizenship and Immigration Services, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice advises the public that the Department of Homeland Security (DHS), Bureau of Citizenship and Immigration Services (CIS) will no longer accept H-2B petitions for temporary nonimmigrant workers for the remainder of Fiscal Year (FY) 2004 now that it is clear that the demand for H-2B workers will exceed the statutory numerical limit (the cap) for H-2B petitions for FY 2004. This notice is published so that the public will understand the procedures for processing of H-2B petitions now that CIS has received enough H-2B petitions to reach the cap. These procedures are intended to minimize confusion and burden to employers who use the H-2B program.

DATES: This notice is effective March 16, 2004.

FOR FURTHER INFORMATION CONTACT:

Kevin J. Cummings, Business and Trade Services Branch/Program and Regulation Development, Bureau of Citizenship and Immigration Services, Department of Homeland Security, 425 I Street, NW., ULLB 3rd Floor, Washington, DC 20536, telephone (202) 305-3175.

SUPPLEMENTARY INFORMATION:

Who Is an H-2B Nonimmigrant?

Section 101(a)(15)(h)(ii)(b) of the Immigration and Nationality Act (Act) describes an H-2B alien as an alien coming temporarily to the United States to perform temporary nonagricultural labor or services. This definition is reflected at 8 CFR 214.2(h)(1)(ii)(D) and (h)(6)(i).

What Is the Cap or Numerical Limitation on the H-2B Nonimmigrant Classification?

Section 214(g)(1)(B) of the Act provides that the total number of aliens who may be issued H-2B visas or otherwise granted H-2B status during any fiscal year may not exceed 66,000.

What Is the Effect of This Notice?

This notice advises the public that as of March 10, 2004, CIS will no longer accept H-2B petitions for temporary nonimmigrant workers for the remainder of FY 2004. However, CIS will adjudicate petitions received on or before March 9, 2004 in the order in which they are received.

Does This Notice Apply to All H-2B Petitions Filed During FY 2004?

No. The procedures described in this notice relate only to H-2B petitions filed for beneficiaries subject to the numerical limitations and who will be engaged in temporary work to commence on or before September 30, 2004.

Amendments to previously approved petitions and petitions for extension of stay are not affected by this procedure. Likewise, petitions for aliens who already hold H-2B status, *i.e.* petitions filed on behalf of an H-2B alien by a new or additional employer are also not affected by this procedure. This procedure also does not relate to petitions filed before October 1, 2004, for employment to commence on or after October 1, 2004.

What Is the CIS Procedure for Processing H-2B Petitions During the Remainder of FY 2004?

This notice informs the public that CIS has received a sufficient number of

H-2B petitions to reach the cap of 66,000 for FY 2004. As of March 10, 2004, the CIS will not accept for adjudication any H-2B petition containing a request for a work start date prior to October 1, 2004. CIS will return any petitions requesting an employment start date prior to October 1, 2004 (along with the filing fee and, if applicable, the premium processing fee) to the petitioner according to 8 CFR 214.2(h)(8)(ii)(E). In accordance with existing regulations, such petitioners may refile those petitions with a new starting date of October 1, 2004, or later.

CIS will adjudicate all H-2B petitions received on or before March 9, 2004. CIS will adjudicate these cases in the order in which they are received. CIS is not suspending premium processing and normal rules applicable to cases subject to premium processing will still apply.

Does This Process Apply to H-2B Petitions Filed for Employment To Commence on or After October 1, 2004?

No. Those petitions are not affected by the procedures described in this notice and will be adjudicated in the normal fashion. Petitioners are reminded that petitions for H-2B classification may not be filed without an approved temporary labor certification issued by the Department of Labor. H-2B petitions filed for employment to commence on or after October 1, 2004, will be counted, if otherwise chargeable against the annual H-2B cap, against the FY 2005 numerical cap.

Dated: March 8, 2004.

Eduardo Aguirre,
Director, Bureau of Citizenship and
Immigration Services.

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**DEPARTMENT OF HOMELAND
SECURITY**

Coast Guard

[USCG-2004-17319]

**National Boating Safety Advisory
Council**

AGENCY: Coast Guard, DHS.

ACTION: Notice of meetings.

SUMMARY: The National Boating Safety Advisory Council (NBSAC) and its subcommittees on boats and associated equipment, aftermarket marine equipment, and prevention through people will meet to discuss various issues relating to recreational boating safety. All meetings will be open to the public.

DATES: NBSAC will meet on Saturday, April 24, 2004, from 1 p.m. to 5 p.m., on Monday, April 26, 2004, from 1:30 p.m. to 4:30 p.m. and on Tuesday, April 27, 2004, from 8:30 a.m. to 12 noon. The Prevention Through People Subcommittee will meet on Sunday, April 25, 2004, from 8:30 a.m. to 12 noon. The Boats and Associated Equipment Subcommittee will meet on Sunday, April 25, 2004, from 1:30 p.m. to 5 p.m. The Aftermarket Marine Equipment Subcommittee will meet on Monday, April 26, 2004, from 8:30 a.m. to 12 noon. These meetings may close early if all business is finished. On Sunday, April 25, a Subcommittee meeting may start earlier if the preceding Subcommittee meeting has closed early. Written material and requests to make oral presentations should reach the Coast Guard on or before Tuesday, April 6, 2004. Requests to have a copy of your material distributed to each member of the committee or subcommittees in advance of the meeting should reach the Coast Guard on or before Friday, April 2, 2004.

ADDRESSES: NBSAC will meet at the Norfolk Waterside Marriott, 235 East Main Street, Norfolk, VA 23510. The subcommittee meetings will be held at the same address. Send written material and requests to make oral presentations to Mr. Jeff Hoedt, Executive Director of NBSAC, Commandant (G-OPB-1), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001. This notice is available on the Internet at <http://dms.dot.gov> or at the Web Site for the Office of Boating Safety at URL address www.uscgboating.org.

FOR FURTHER INFORMATION CONTACT: Jeff Hoedt, Executive Director of NBSAC, telephone 202-267-0950, fax 202-267-4285. You may obtain a copy of this notice by calling the U.S. Coast Guard Infoline at 1-800-368-5647.

SUPPLEMENTARY INFORMATION: Notice of these meetings is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Tentative Agendas of Meetings

National Boating Safety Advisory Council (NBSAC). The agenda includes the following:

- (1) Remarks—Rear Admiral Jeffrey J. Hathaway, Director of Operations Policy and Council Sponsor.
- (2) Chief, Office of Boating Safety Update on NBSAC Resolutions and Recreational Boating Safety Program report.
- (3) Executive Director's report.
- (4) Regulatory Process description and Regulatory Project Status update.

- (5) Chairman's session.
 - (6) Report on Joint TSAC/NBSAC Workgroup and TSAC Liaison.
 - (7) Report from NAVSAC Liaison.
 - (8) Coast Guard Auxiliary report.
 - (9) National Association of State Boating Law Administrators Report.
 - (10) Wallop Breaux reauthorization update.
 - (11) National Boating Survey report.
 - (12) Prevention Through People Subcommittee report.
 - (13) Boats and Associated Equipment Subcommittee report.
 - (14) Aftermarket Marine Equipment Subcommittee report.
- Boats and Associated Equipment Subcommittee.* The agenda includes the following: Discuss current regulatory projects, grants, contracts and new issues impacting boats and associated equipment.
- Aftermarket Marine Equipment Subcommittee.* The agenda includes the following: Discuss current regulatory projects, grants, contracts and new issues impacting aftermarket marine equipment.

Prevention Through People Subcommittee. The agenda includes the following: Discuss current regulatory projects, grants, contracts and new issues impacting prevention through people.

Procedural

All meetings are open to the public. At the Chairs' discretion, members of the public may make oral presentations during the meetings. If you would like to make an oral presentation at a meeting, please notify the Executive Director of your request no later than Tuesday, April 6, 2004. Written material for distribution at a meeting should reach the Coast Guard no later than Tuesday, April 6, 2004. If you would like a copy of your material distributed to each member of the committee or subcommittee in advance of a meeting, please submit 25 copies to the Executive Director no later than Friday, April 2, 2004.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meetings, contact the Executive Director as soon as possible.

Dated: March 10, 2004.

Jeffrey J. Hathaway,
Rear Admiral, U.S. Coast Guard, Director of
Operations Policy.

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