

or team of evaluators who are not in a direct reporting relationship with the applicant.⁴ TOP will make copies of the final evaluation report available to the public.

Waiver Authority

It is the general intent of NTIA not to waive any of the provisions set forth in this Notice. However, under extraordinary circumstances and when it is in the best interest of the federal government, NTIA, upon its own initiative or when requested, may waive the provisions in this Notice. Waivers may only be granted for requirements that are discretionary and not mandated by statute. Any request for a waiver must set forth the extraordinary circumstances for the request and be included in the application or sent to the address provided in the **ADDRESSES** section above.

As noted in the **DATES** section above, complete applications for the Fiscal Year 2003 TOP grant program must be either postmarked no later than April 23, 2003, or hand-delivered no later than 5 p.m. Eastern Daylight Time on April 23, 2003, to the respective addresses listed above. NTIA will not waive this requirement.

Intergovernmental Review

Applications under this program are subject to Executive Order 12372, "Intergovernmental Review of Federal Programs." All applicants are required to submit a copy of their application to their state Single Point of Contact (SPOC) offices, if they have one. For information on contacting state SPOC offices, refer to the Guidelines for Preparing Applications—Fiscal Year 2003.

Other Information

Electronic Information. Information about NTIA, TOP, and other resources to help prepare an application, including this document and the Guidelines for Preparing Applications—Fiscal Year 2003, can be retrieved electronically via the Internet using the World Wide Web at <http://www.ntia.doc.gov/top>. This document can be provided in alternate formats, including braille. If you need assistance please contact TOP at (202) 482-2048 or top@ntia.doc.gov.

⁴ In large institutions, such as universities, colleges, and foundations, an independent evaluator can include a representative from departments not associated with the applicant. In addition, TOP's requirement for a grantee have an independent evaluator develop the final evaluation report does not preclude an applicant from conducting the evaluation in conjunction with an independent evaluator.

Through TOP's online tools available at <http://www.ntia.doc.gov/top>, applicants can prepare and print a number of the required forms. Please note that applicants must submit all application materials (even those forms prepared online) in hard copy with appropriate signatures.

As indicated above, each application must contain, at a minimum, the following required elements: (1) A Standard Form 424 (SF-424), Application for Federal Assistance, with an original signature, (2) a project narrative, and (3) a budget narrative. Applications that are missing any of these three required elements with the appropriate signatures will not be accepted for review and will be returned to the applicants.

In addition, applicants can use TOP's online tools to provide an electronic version of their executive summary that will be available to the public. TOP's online tools are optional and not required to prepare an application.

Submission Requirements. TOP requests one original and five copies of the application. Applicants for whom the submission of five copies presents financial hardship may submit one original and two copies of the application.

Disposition of Unsuccessful Applications. Applications accepted for review for the Fiscal Year 2003 grant round will be stored at the Department of Commerce until the start of the next grant competition or one year, whichever period is longer. At the end of that period, the applications will be destroyed.

Sensitive Information. Because of the high level of public interest in projects supported by TOP, the program anticipates receiving requests for copies of successful applications. Applicants are hereby notified that the applications they submit are subject to the Freedom of Information Act. To assist NTIA in making disclosure determinations, applicants may identify sensitive information and label it "confidential."

Human Subjects Research Protection. The Department of Commerce, through part 27 of Title 15 of the Code of Federal Regulations, requires that all applications awarded under the TOP ensure protections for any human subjects involved in research.

If an application is considered for funding, the grant applicant will be asked to submit appropriate documentation of IRB approval or exemption status to the Federal Program Officer for approval by Department officials. More details on human subjects research protection are available through the TOP's Web site at

<http://www.ntia.doc.gov/top> and the Guidelines for Preparing Applications—Fiscal Year 2003.

Grant Requirements. The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in the **Federal Register** notice of October 1, 2001 (66 FR 49917), as amended by **Federal Register** notice published on October 30, 2002 (67 FR 66109), is applicable to this solicitation.

Limited English Proficiency. Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," requires all Departments and agencies to eliminate, to the maximum extent possible, limited English proficiency as an artificial barrier to the full and meaningful participation by beneficiaries in federally assisted and federally conducted programs and activities. The Department of Commerce is in the process of implementing this Executive Order, and all FY 2003 TOP grantees will be required to comply with the Department's final guidelines.

Other Requirements. It has been determined that this Notice is not significant for purposes of E.O. 12866.

Because notice and comment are not required under 5 U.S.C. 553, or any other law, for notices relating to public property, loans, grants, benefits or contracts (5 U.S.C. 553(a)), a Regulatory Flexibility Analysis is not required and has not been prepared for this Notice, 5 U.S.C. 601 *et seq.*

It has been determined that this Notice does not contain policies with Federalism implications as that term is defined in E.O. 13132.

This document contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA). The use of Standard Forms 424, 424A, 424B, and SF-LLL have been approved by OMB under the respective control numbers 0348-0043, 0348-0044, 0348-0040, and 0348-0046.

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the Paperwork Reduction Act, unless that collection displays a currently valid OMB control number.

Bernadette McGuire-Rivera,

Associate Administrator, Office of Telecommunications and Information Applications.

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