

[Contracting Officer shall insert the evaluation factors, such as (i) technical capability of the item offered to meet the Government requirement; (ii) price; (iii) past performance (see FAR 15.304).]

(b) Options. The Government will evaluate offers for award purposes by adding the total price for all options to the total price for the basic requirement. The Government may determine that an offer is unacceptable if the option prices are significantly unbalanced. Evaluation of options shall not obligate the Government to exercise the option(s).

(End of provision)

[FR Doc. 02-1915 Filed 1-24-02; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Research and Special Programs Administration**

**49 CFR Part 176**

[Docket No. RSPA-2002-11270; Notice No. 02-3]

**Regulatory Flexibility Act Section 610 and Plain Language Reviews**

**AGENCY:** Research and Special Programs Administration (RSPA), DOT.

**ACTION:** Notice of regulatory review; request for comments.

**SUMMARY:** RSPA requests comments on the economic impact of its regulations on small entities. As required by the Regulatory Flexibility Act and as published in DOT's Semi-Annual Regulatory Agenda, we are analyzing the rules on Carriage by Vessel to identify rules that may have a significant economic impact on a substantial number of small entities. We also request comments on ways to make these regulations easier to read and understand.

**DATES:** Comments must be received by April 25, 2002.

**ADDRESSES:** Address written comments to the Dockets Management System, U.S. Department of Transportation, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. Identify the docket number RSPA-2002-11270 at the beginning of your comments and submit two copies. If you want to

receive confirmation of receipt of your comments, include a self-addressed, stamped postcard. You can also submit comments by e-mail by accessing the Dockets Management System on the Internet at "<http://dms.dot.gov>" or by fax to (202) 366-3753.

The Dockets Management System is located on the Plaza Level of the Nassif Building at the Department of Transportation at the above address. You can review public dockets there between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. In addition, you can review comments by accessing the Dockets Management System at "<http://dms.dot.gov>."

**FOR FURTHER INFORMATION CONTACT:**

Susan Gorsky, Office of Hazardous Materials Standards, Research and Special Programs Administration, U.S. Department of Transportation, telephone (202) 366-8553; or Donna O'Berry, Office of Chief Counsel, Research and Special Programs Administration, U.S. Department of Transportation, telephone (202) 366-4400.

**SUPPLEMENTARY INFORMATION:**

**I. Section 610 of the Regulatory Flexibility Act**

*A. Background and Purpose*

Section 610 of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), requires agencies to conduct periodic reviews of rules that have a significant economic impact on a substantial number of small business entities. The purpose of the review is to determine whether such rules should be continued without change, amended, or rescinded, consistent with the objectives of applicable statutes, to minimize any significant economic impact of the rules on a substantial number of such small entities.

*B. Review Schedule*

The Department of Transportation (DOT) published its Semiannual Regulatory Agenda on December 3, 2001, listing in Appendix D (66 FR 61900) those regulations that each operating administration will review

under section 610 during the next 12 months. Appendix D also contains DOT's 10-year review plan for all of its existing regulations.

The Research and Special Programs Administration (RSPA, we) has divided its Hazardous Materials Regulations (HMR; 49 CFR parts 171-180) into 10 groups by subject area. Each group will be reviewed once every 10 years, undergoing a two-stage process—an Analysis Year and Section 610 Review Year. For purposes of these reviews, a year will coincide with the fall-to-fall publication schedule of the Semiannual Regulatory Agenda. Thus, Year 1 began in the fall of 1998 and ended in the fall of 1999; Year 2 began in the fall of 1999 and ended in the fall of 2000; and so on.

During the Analysis Year, we will analyze each of the rules in a given year's group to determine whether any rule has a significant impact on a substantial number of small entities and, thus, requires review in accordance with section 610 of the Regulatory Flexibility Act. In each fall's Regulatory Agenda, we will publish the results of the analyses we completed during the previous year. For rules that have a negative finding, we will provide a short explanation. For parts, subparts, or other discrete sections of rules that do have a significant impact on a substantial number of small entities, we will announce that we will be conducting a formal section 610 review during the following 12 months.

The section 610 review will determine whether a specific rule should be revised or revoked to lessen its impact on small entities. We will consider: (1) The continued need for the rule; (2) the nature of complaints or comments received from the public; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other federal rules or with state or local government rules; and (5) the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. At the end of the Review Year, we will publish the results of our review.

The following table shows the 10-year analysis and review schedule:

**RSPA SECTION 610 REVIEW PLAN 1999-2009**

| Title   | Regulation                 | Analysis year | Review year |
|---|----------------------------|---------------|-------------|
| Incident reports .....                                  | §§ 171.15 and 171.16 ..... | 1998          | N/A         |
| Hazmat safety procedures .....                          | Parts 106 and 107 .....    | 1999          | N/A         |
| General Information, Regulations, and Definitions ..... | Part 171                   |               |             |
| Carriage by Rail and Highway .....                      | Parts 174 and 177 .....    | 2000          | 2001        |

RSPA SECTION 610 REVIEW PLAN 1999–2009—Continued

| Title   | Regulation                                    | Analysis year | Review year |
|---|---|---------------|-------------|
| Carriage by Vessel .....  | Part 176 .....                                | 2001          | 2002        |
| Radioactive Materials .....   | Parts 172, 173, 174, 175, 176, 177, 178 ..... | 2002          | 2003        |
| Explosives .....  | Parts 172, 173, 174, 176, 178 .....           | 2003          | 2004        |
| Cylinders .....   | Parts 172, 173, 178, 180                      |               |             |
| Shippers—General Requirements for Shipments and Packagings.   | Part 173 .....                                | 2004          | 2005        |
| Specifications for Non-bulk Packagings .....  | Part 178 .....                                | 2005          | 2006        |
| Specifications for Bulk Packagings .....  | Parts 178, 179, 180 .....                     | 2006          | 2007        |
| Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements. | Part 172 .....                                | 2007          | 2008        |
| Carriage by Aircraft .....  | Part 175.                                     |               |             |

C. Regulations Under Analysis

During Year 4 (2001–2002), the Analysis Year, we will conduct a preliminary assessment of the rules in 49 CFR Part 176, Carriage by Vessel. It includes the following subparts:

| Subpart         | Title   |
|-----------------|---|
| Subpart A ..... | General.  |
| Subpart B ..... | General Operating Requirements.   |
| Subpart C ..... | General Handling and Stowage.   |
| Subpart D ..... | General Segregation Requirements.   |
| Subpart E ..... | Special Requirements for Transport Vehicles Loaded with Hazardous Materials and Transported on Board Ferry Vessels.                           |
| Subpart F ..... | Special Requirements for Barges.  |
| Subpart G ..... | Detailed Requirements for Class 1 (Explosive) Materials.  |
| Subpart H ..... | Detailed Requirements for Class 2 (Compressed Gas) Materials.   |
| Subpart I ..... | Detailed Requirements for Class 3 (Flammable) and Combustible Liquid Materials.   |
| Subpart J ..... | Detailed Requirements for Class 4 (Flammable Solid), Class 5 (Oxidizers and Organic Peroxides), and Division 1.5 (Blasting Agents) Materials. |
| Subpart L ..... | Detailed Requirements for Division 2.3 (Poisonous Gas) and Division 6.1 (Poisonous) Materials.  |
| Subpart M ..... | Detailed Requirements for Radioactive Materials.  |
| Subpart N ..... | Detailed Requirements for Class 8 (Corrosive) Materials.  |
| Subpart O ..... | Detailed Requirements for Cotton and Vegetable Fibers, Motor Vehicles, and Asbestos.  |

We are seeking comments on whether any requirements in part 176 have a significant impact on a substantial number of small entities. “Small entities” include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations under 50,000. If your business or organization is a small entity and if any of the requirements in part 176 has a significant economic impact on your business or organization, please submit a comment explaining how and to what degree these rules affect you, the extent of the economic impact on your business or organization, and why you believe the economic impact is significant.

II. Plain Language

A. Background and Purpose

Plain language helps readers find requirements quickly and understand

them easily. Examples of plain language techniques include:

- (1) Undesignated center headings to cluster related sections within subparts.
- (2) Short words, sentences, paragraphs, and sections to speed up reading and enhance understanding.
- (3) Sections as questions and answers to provide focus.
- (4) Personal pronouns to reduce passive voice and draw readers into the writing.
- (5) Tables to display complex information in a simple, easy-to-read format.

For an example of a rule drafted in plain language, you can refer to RSPA’s notice of proposed rulemaking entitled “Revised and Clarified Hazardous Materials Safety Rulemaking and Program Procedures,” which was published December 11, 1998 (63 FR 68624). This NPRM proposed to rewrite 49 CFR part 106 and subpart A of part 107 in plain language and to create a

new part 105 that would contain definitions and general procedures. We are currently evaluating comments received in response to the NPRM.

B. Review Schedule

In conjunction with our section 610 reviews, we will be performing plain language reviews of the HMR over a ten-year period on a schedule consistent with the section 610 review schedule. Thus, our review of part 176 will also include a plain language review to determine if the regulations can be reorganized and/or rewritten to make them easier to read, understand, and use. We encourage interested persons to submit draft regulatory language that clearly and simply communicates regulatory requirements, and other recommendations, such as for putting information in tables or consolidating regulatory requirements, that may make the regulations easier to use.

Issued in Washington, DC, on January 18, 2002 under authority delegated in 49 CFR part 106.

**Robert A. McGuire,**

*Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration.*

[FR Doc. 02-1862 Filed 1-24-02; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### 49 CFR Parts 192 and 195

[Docket No. RSPA-97-2426; Notice 4]

RIN 2137-AB48

#### Maps and Records of Pipeline Locations and Characteristics; Notification of State Agencies; Pipe Inventory

**AGENCY:** Research and Special Programs Administration (RSPA).

**ACTION:** Notice of removal of regulatory agenda item.

**SUMMARY:** This agenda item contemplated a rulemaking action to equalize as far as possible the requirements that gas and hazardous liquid pipeline operators keep maps and records to show the location and other characteristics of pipelines. Operators would have been required to keep an inventory of pipe and periodically report mileage and other data to federal and State agencies. This action was considered because of congressional and State concerns about the need for appropriate public officials to have pipeline information. Since this contemplated rulemaking was initiated in 1997, RSPA has developed the National Pipeline Mapping System (NPMS), a non-regulatory approach, to address these needs. Furthermore, pipeline security issues have been raised by recent events. In light of the development of the NPMS and the security issues, this item is removed from the regulatory agenda.

**FOR FURTHER INFORMATION CONTACT:** Richard Hurliaux, by telephone at (202) 366-4565, by fax at (202) 366-4566, or by e-mail at [richard.hurliaux@rspa.dot.gov](mailto:richard.hurliaux@rspa.dot.gov), regarding the subject matter of this notice. You may contact the Dockets Facility by phone at (202) 366-9329, for copies of this notice or other material in the docket. All materials in this docket may be accessed electronically at <http://dms.dot.gov>. General information about the RSPA Office of Pipeline Safety

programs may be obtained by accessing OPS's Internet page at <http://ops.dot.gov>.

**SUPPLEMENTARY INFORMATION:** In Section 102 and 202 of the Pipeline Safety Reauthorization Act of 1988 (Pub. L. 100-561, October 31, 1988), Congress directed RSPA to establish standards to require pipeline operators to complete and maintain an inventory of gas and hazardous liquid pipelines, including information on the location and history of leaks.

This requirement was to equalize as far as possible the requirements that gas and hazardous liquid pipeline operators keep maps and records to show the location and other characteristics of pipelines. Operators would have been required to keep an inventory of pipe and periodically report mileage and other facts to Federal and State agencies. A rulemaking action was considered because of congressional and State concerns about the need for appropriate public officials to have pipeline information.

Since the publication of this agenda item in 1997, RSPA has developed a non-regulatory alternative approach to ensuring that information on the location and characteristics of gas and hazardous liquid pipelines is available to Federal and State agencies. RSPA has worked with other Federal and State agencies and the pipeline industry to create the NPMS. The NPMS shows the location and selected attributes of the major natural gas and hazardous liquid pipelines and liquefied natural gas facilities in the United States.

The NPMS is a full-featured geographic information system that allows RSPA, for the first time, to accurately view pipelines in relation to the communities and environments they cross. The pipeline data layers now being populated cover both interstate and intrastate natural gas transmission pipelines and hazardous liquid pipelines. It includes data depicting population, urbanized areas, political boundaries, roads, railroads, hydrography, consequence and hazard areas, and unusually sensitive areas. At present, the NPMS includes data on 85-90 percent of the hazardous liquid pipeline mileage and on more than 50 percent of the gas transmission pipeline mileage.

In addition, pipeline security issues have been raised by recent events. In light of the development of the NPMS and the security issues, a rulemaking action is no longer necessary.

On the basis of the foregoing, RSPA hereby removes this action from the regulatory agenda.

**Authority:** 49 U.S.C. 60102 *et seq.*; 49 CFR 1.53.

Issued in Washington, D.C. on January 22, 2002.

**James K. O'Steen,**

*Deputy Associate Administrator for Pipeline Safety.*

[FR Doc. 02-1909 Filed 1-24-02; 8:45 am]

**BILLING CODE 4910-60-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-AH50

#### Endangered and Threatened Wildlife and Plants; Proposed Rule To Remove the Mariana Mallard and the Guam Broadbill From the Federal List of Endangered and Threatened Wildlife

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** Under the authority of the Endangered Species Act of 1973 (Act), as amended, we, the U.S. Fish and Wildlife Service (Service), propose to remove the Mariana mallard (*Anas platyrhynchos oustaleti*) and the Guam broadbill (*Myiagra freycineti*) from the Federal List of Endangered and Threatened Wildlife. All available information indicates that these birds are extinct. The Mariana mallard was endemic to the islands of Guam, Tinian, Saipan, and possibly Rota, of the Mariana Archipelago in the western Pacific ocean. It was listed as endangered on June 2, 1977, because its population was critically low due to excessive hunting and loss of wetland habitat. No confirmed sightings of the Mariana mallard have been made since 1979. The Guam broadbill, endemic to Guam, was listed as endangered on August 27, 1984, because its population was critically low. No confirmed sightings or other evidence of the Guam broadbill in the Pajon Basin have been made since May 15, 1984. This proposal, if made final, would remove Federal protection provided by the Act for these species. Removal of the Mariana mallard and the Guam broadbill from the Federal list of Endangered and Threatened Wildlife does not alter or supersede their designation by the government of Guam as endangered species. The Mariana mallard is not a protected wildlife species by the government of the Commonwealth of the Northern Mariana Islands (CNMI).