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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF ENERGY

10 CFR Part 1008

RIN 1901–AA69

Privacy Act; Implementation

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) amends its Privacy Act regulation by adding three systems of records to the list of systems exempted from certain subsections of the Act. Exemptions for two systems of records are needed to enable the Office of Employee Concerns and the Office of Hearings and Appeals to perform their duties and responsibilities with regard to investigation and adjudication of employee and contractor employee concerns or complaints, pursuant to the whistleblower protection provisions and applicable laws. An exemption for a third system of records is needed to enable the Office of Intelligence to perform its duties and responsibilities.

EFFECTIVE DATE: This final rule is effective February 28, 2002.

FOR FURTHER INFORMATION CONTACT: Abel Lopez (Privacy Act Officer), (202) 586–5955; William Lewis (program contact for Office of Employee Concerns), (202) 586–6530; William Schwartz (program contact for Office of Hearings and Appeals), (202) 287–1522; or Caryl Butler Gross (program contact for Office of Intelligence), (202) 586–5172.

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K. Congressional Notification

I. Background

Pursuant to the Privacy Act of 1974 (the Act), as amended (5 U.S.C. 552a(j) and (k)), the Secretary of Energy is authorized to promulgate rules, in accordance with the notice and comment requirements in 5 U.S.C. 553, to exempt any system of records within the agency from certain subsections of the Act. The Department of Energy (DOE) is adding three new systems of records to the list of systems of records exempted from certain subsections of the Act.

One of the exemptions will enable the Office of Employee Concerns to carry out its investigative duties and responsibilities. DOE and contractor employees have the right and responsibility to report concerns relating to the environment, safety, health, or management of Department operations. The Employee Concerns Program is designed to encourage open communication; inform employees of the proper forum for consideration of their concerns; ensure employees can raise issues without fearing reprisal; address employee concerns in a timely and objective manner; and provide employees an avenue for consideration of concerns that fall outside existing systems. Employee Concerns Program records include concerns or complaints brought to the attention of DOE Employee Concerns Program offices. These records include the receipt of complaints filed under 10 CFR part 708, the DOE Contractor Employee Protection Program.

A second exemption will enable the Office of Hearings and Appeals to carry out its investigative and adjudicatory responsibilities under 10 CFR part 708 and other whistleblower protection laws. These responsibilities include investigating allegations of acts of reprisal taken against a DOE contractor employee who claims to have made a protected disclosure, as defined in 10 CFR part 708, and subsequently processing such ''whistleblower'' claims, including hearings and appeals on such matters. These responsibilities also include investigating allegations of acts of reprisal taken against a DOE employee or DOE contractor employee who claims to have made a protected disclosure pursuant to section 3164 of the National Defense Authorization Act for FY 2000 (Pub. L. 106–65), codified in 42 U.S.C. 7239.

The third exemption will enable the Office of Intelligence to carry out its duties and responsibilities involving national security. More specifically, these include controlling access to and use of Sensitive Compartmented Information (SCI) and other classified intelligence information bearing the Director, Central Intelligence (DCI) authorized control markings; approving access to SCI in compliance with DCI directives; and conducting eligibility determinations, adjudications, revocations and appeals from denials and revocations.

A notice of proposed rulemakng was published in the **Federal Register** on June 14, 2001 (66 FR 32272), following publication of DOE's comprehensive systems notice on May 16, 2001 (66 FR 27300). No public comments were received on the proposed rule.

II. Summary of Final Rule

A. Systems of Records Exempted

Today's final rule amends § 1008.12 (b) of DOE's Privacy Act regulation to exempt the following three new systems of records from certain subsections of the Privacy Act (5 U.S.C. 552a):

The system of records ''Employee Concerns Program Records'' (DOE–3) will be exempt from subsections (c)(3), (d)(2), and (e)(1) of 5 U.S.C. 552a pursuant to subsections (k)(1), (2), and (5) to the extent that information in this system meets the requirements of those subsections of the Act.

The system of records ''Whistleblower Investigation, Hearing and Appeal Records'' (DOE–7) will be exempt from subsections (c)(3), (d)(2), and (e)(1) of 5 U.S.C. 552a pursuant to subsections (k)(1), (2), and (5) to the extent that information in this system meets the requirements of those subsections of the Act.

The system of records ''Intelligence Related Access Authorization'' (DOE–15) will be exempt from subsections

(c)(3), (d), (e)(1), (e)(4)(G) and (H), and (f) of 5 U.S.C. 552a pursuant to subsections (k)(1), (2), and (5) to the extent that information in this system meets the requirements of those subsections of the Act. This system of records will consist of administrative records of DOE and contractor employees, consultants, and certain persons applying for, granted or denied access to certain categories of classified information. The purpose of the system is to satisfy the requirements of Executive Order 12968, the Department of Energy Procedures for Intelligence Activities, and DOE Order 5670.1A ''Management and Control of Foreign Intelligence.''

B. Basis for Exemptions

The detailed reasons for exemptions of the three systems of records under 5 U.S.C. 552a(k)(1), (2) and (5) are as follows:

1. *Subsection (k)(1) Exemption.* Under subsection (k)(1) of the Act records may be exempted that are ''specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order'' (5 U.S.C. 552(b)(1)). To the extent that records in these systems are classified pursuant to an Executive Order, they may not be disclosed. Therefore, this exemption will apply as follows:

(a) Except for disclosures made under (b)(7) of the Act, 5 U.S.C. 552a(c)(3) requires that upon request, an agency must give an individual named in a record an accounting that reflects the disclosure of the record to other persons or agencies. This accounting must state the date, nature, and purpose of each disclosure of the record and the name and address of the recipient. Under subsection (k)(1) of the Act, records may be exempted that are specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order. To the extent that records in these systems are classified pursuant to an Executive Order, they may not be disclosed.

DOE has programs involving classified material that may be the subject of a whistleblower complaint, and the Office of Intelligence handles certain types of classified information. The application of the Act's accounting provision to records involving properly classified material could reveal classified material. If information about classified material were disclosed, national security might be compromised. An example of an issue involving classified material that can affect national security would be a whistleblower complaint that discusses security measures at a particular weapons facility. Such information could be used to the detriment of national security.

(b) These systems also are exempt from 5 U.S.C. 552a(d)(2). To require the Office of Employee Concerns, the Office of Hearings and Appeals and the Office of Intelligence to amend information thought to be incorrect, irrelevant, or untimely because of the nature of the information collected and the essential length of time it is maintained, would create an impossible administrative and investigative burden by forcing the agency to continuously retrograde its investigations and access adjudications in response to questions involving the accuracy of these investigations and adjudications.

(c) 5 U.S.C. 552a(e)(1) requires each agency to maintain in its records only such information about an individual that is relevant and necessary to accomplish a purpose of the agency required by statute or Executive Order. The Office of Intelligence maintains records relating to authorization for individuals to have access to classified information. The Office of Employee Concerns and the Office of Hearings and Appeals do not create the material they collect and have no control over the content of that material. An exemption from the foregoing provision is needed because:

(i) It is not always possible to assess the relevance or necessity of specific information in the early stages of an investigation that involves use of properly classified information or of an adjudication of access to classified national security information.

(ii) Relevance and necessity are questions of judgment and timing, and it is only after the information is evaluated that the relevancy and necessity of such information can be established. Furthermore, information outside the scope of the jurisdiction of the Office of Employee Concerns and the Office of Hearings and Appeals may be helpful in establishing patterns of activities or problems, or in developing information that should be referred to other entities. Such information cannot always readily be segregated. Likewise, in any adjudication of access, information may be obtained concerning violations of laws other than those within the scope of the adjudication. In the interest of effective law enforcement, such information should be retained for dissemination to appropriate law enforcement agencies.

(iii) In interviewing persons or obtaining information from other sources during an adjudication, including the background investigation, information may be supplied to the investigator that relates to matters incidental to the main purpose of the inquiry or investigation, but that also relates to matters under the jurisdiction of another agency. Such information cannot be readily segregated.

2. *Subsection (k)(2) Exemption.* Subsection (k)(2) permits the exemption of investigatory material compiled for law enforcement purposes, other than material within the scope of 5 U.S.C. 552a(j)(2), provided, however, that if any individual is denied any right, privilege, or benefit to which he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual. The material will be provided except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

(a) Except for disclosures made under (b)(7) of the Act, 5 U.S.C. 552a(c)(3) requires that upon request, an agency must give an individual named in a record an accounting that reflects the disclosure of the record to other persons or agencies. This accounting must state the date, nature, and purpose of each disclosure of the records and the name and address of the recipient. To the extent that such an accounting would lead directly or indirectly to the disclosure of the identity of a source as described above, the (k)(2) exemption is applicable.

(b) These systems also are exempt from 5 U.S.C. 552a(d)(2). To require the Office of Employee Concerns, the Office of Hearings and Appeals and the Office of Intelligence to amend information thought to be incorrect, irrelevant, or untimely, because of the nature of the information collected and the essential length of time it is maintained, would create an impossible administrative and investigative burden by forcing the agency to continuously review its investigations and access adjudications.

(c) 5 U.S.C. 552a(e)(1) requires each agency to maintain in its records only such information about an individual that is relevant and necessary to accomplish a purpose of the agency

required by statute or Executive Order. An exemption from the foregoing is needed because:

(i) It is not always possible to assess the relevance or necessity of specific information in the early stages of an investigation involving employee complaints or concerns and whistleblowing, or of an adjudication of access to classified national security information.

(ii) Relevance and necessity are questions of judgment and timing. What appears relevant and necessary when collected may ultimately be determined to be unnecessary. It is only after the information is evaluated or the investigation, hearing or appeal is completed that the relevancy and necessity of such information can be established.

(iii) In investigating an employee complaint or conducting a whistleblower proceeding, or in the adjudication of access to classified national security information, the relevant office may obtain information concerning the violation of laws other than those within the scope of its jurisdiction. In the interest of effective law enforcement, these offices should be able to retain this information as it may aid in establishing patterns of program violations or criminal activity and provide leads for those law enforcement agencies charged with enforcing criminal or civil law.

(iv) In addition, information obtained by these offices may relate not only to an investigation or proceeding under 10 CFR part 708 or to an adjudication of access to classified national security information, but also to matters under the jurisdiction of another agency. Such information cannot be readily segregated and should be retained for dissemination to appropriate law enforcement agencies charged with enforcing other criminal or civil law.

(d) The Office of Intelligence system of records is exempt from paragraphs (d), (e)(4)(G) and (H), and (f) as they relate to an individual's right to be notified of the existence of records pertaining to such individual; requirements for identifying an individual who requests access to records; and agency procedures relating to access to records and the content of information contained in such records. The reason for this exemption is that to notify an individual of the existence of records in an investigative file could interfere with investigations undertaken in connection with national security, or could disclose the identity of sources kept secret to protect national security, or could reveal confidential information supplied by these sources.

3. *Subsection (k)(5) Exemption.* The (k)(5) exemption is for investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information. The (k)(5) exemption applies only to the extent that disclosure would reveal the identity of a source who furnished information under an express promise of confidentiality. Where this is the case, the (k)(5) exemption applies as follows:

(a) Except for disclosures made under (b)(7) of the Act, 5 U.S.C. 552a(c)(3) requires that upon request, an agency must give an individual named in a record an accounting which reflects the disclosure of the record to other persons or agencies. This accounting must state the date, nature, and purpose of each disclosure of the records and the name and address of the recipient. To the extent that such an accounting would lead directly or indirectly to the disclosure of the identity of a source as described above, the (k)(5) exemption is applicable.

(b) 5 U.S.C. 552a(e)(1) requires each agency to maintain in its records only such information about an individual that is relevant and necessary to accomplish a purpose of the agency required by statute or Executive Order. Any information compiled solely for one of the purposes enumerated in (k)(5), *e.g.,* determining access to sensitive or classified information is properly subject to the (k)(5) exemption when it reveals confidential sources or confidential information. An exemption from the foregoing is needed because:

(i) It is not always possible to assess the relevance or necessity of specific information in the early stages of an investigation of a complaint or concern that may involve whistleblowing, or in the early stages of an adjudication of access to classified national security information.

(ii) Relevance and necessity are questions of judgment and timing. What appears relevant and necessary when collected may ultimately be determined to be unnecessary. It is only after the information is evaluated or the investigation, hearing or appeal is completed that the relevancy and necessity of such information can be established.

(iii) In investigating an employee complaint or concern or in conducting a whistleblower proceeding, or in the adjudication of access to classified national security information, the relevant office may obtain information concerning the violation of laws other than those within the scope of its jurisdiction. In the interest of effective law enforcement, these offices should be able to retain this information as it may aid in establishing patterns of program violations or criminal activity and provide leads for those law enforcement agencies charged with enforcing criminal or civil law.

(iv) Information obtained by the Office of Employee Concerns, the Office of Hearings and Appeals, or the Office of Intelligence in an investigation or adjudication, may relate to the DOE proceeding as well as to matters under the jurisdiction of another agency. Such information cannot be readily segregated and in the interest of effective law enforcement, such information should be retained for dissemination to appropriate law enforcement agencies charged with enforcing other criminal or civil law.

(c) 5 U.S.C. 552a(c)(4) requires disclosure of corrections or notations of disputes in records made in accordance with subsection (d). These systems are exempt from paragraph (d)(2) of the Act because to require the Office of Employee Concerns, the Office of Hearings and Appeals or the Office of Intelligence to amend information thought to be incorrect, irrelevant, or untimely, because of the nature of the information collected and the essential length of time it is maintained, would create an impossible administrative and investigative burden by forcing the agency to continuously retrograde its investigations and adjudications in response to questions involving the accuracy of these investigations and adjudications.

(d) 5 U.S.C. 552a(d), (e)(4)(G) and (H), and (f) relate to the following: a individual's right to be notified of the existence of records pertaining to such individual; requirements for identifying an individual who requests access to records; and agency procedures relating to access to records and the content of information contained in such records. The Office of Intelligence's system of records is exempt from the foregoing provisions because to notify an individual of the existence of records in an investigative file or to grant access to an investigative file could interfere with investigations undertaken in connection with national security, or could disclose the identity of sources kept secret to protect national security, or could reveal confidential information supplied by these sources.

III. Regulatory and Procedural Requirements

A. Review Under Executive Order 12866

Today's regulatory action has been determined not to be ''a significant regulatory action'' under Executive Order 12866, ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Accordingly, this action was not subject to review under that Executive Order by the Office of Information and Regulatory Affairs of the Office of Management and Budget.

B. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform'' (61 FR 4729, February 7, 1996) imposes on Executive agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard and promote simplification and burden reduction. With regard to the review required by section 3(a), section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this rule meets the relevant standards of Executive Order 12988.

C. Review Under the Regulatory Flexibility Act

This rule was reviewed under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, which requires preparation of a regulatory flexibility analysis for any rule that is likely to have a significant economic impact on a substantial number of small entities. This rule will have no impact on interest rates, tax policies or liabilities, the cost of goods or services, or other direct economic factors. It also will not have any indirect economic consequences. DOE certifies that this rule will not have a significant economic impact on a substantial number of small entities and, therefore, no regulatory flexibility analysis has been prepared.

D. Review Under the Paperwork Reduction Act

No new information collection or record keeping requirements are imposed by this rule. Accordingly, no clearance by the Office of Management and Budget is required under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

E. Review Under the National Environmental Policy Act

DOE has concluded that this rule would not represent a major Federal action having significant impact on the human environment, as determined by DOE's regulations implementing the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Specifically, this rule amends an existing regulation and does not change its environmental impact, and, therefore, is covered under the Categorical Exclusion in paragraph A5 of Appendix A to subpart D, 10 CFR part 1021. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

F. Review under Executive Order 13132

Executive Order 13132, ''Federalism'' (64 FR 43255, August 4, 1999), imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. Agencies are required to examine the constitutional and statutory authority supporting any action that would limit the policy making discretion of the States and carefully assess the necessity for such actions. DOE has examined today's rule and has determined that it does not preempt State law and does not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. No further action is required by Executive Order 13132.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written assessment of the effects of any Federal mandate in a proposed or final rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million in any one year. The Act also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and tribal governments on a proposed ''significant intergovernmental mandate,'' and it requires an agency to develop a plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirement that might significantly or uniquely affect them. This rule does not contain any Federal mandate and, therefore, these requirements do not apply.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277), requires Federal agencies to issue a Family Policymaking Assessment for any rule or policy that may affect family well-being. This rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has not prepared a Family Policymaking Assessment.

I. Review Under Executive Order 13084

Under Executive Order 13084 (Consultation and Coordination with Indian Tribal Governments), DOE may not issue a discretionary rule that significantly or uniquely affects Indian tribal governments and imposes substantial direct compliance costs. This rulemaking would not have such effects. Accordingly, Executive Order 13084 does not apply to this rulemaking.

J. Review Under Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget, a Statement of Energy Effects for any significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgates or is expected to lead to the promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or

(3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use. Today's rule is not a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects.

K. Congressional Notification

As required by 5 U.S.C. 801, DOE will submit to Congress a report regarding the issuance of today's final rule prior to the effective date set forth at the outset of this notice. The report will state that it has been determined that the rule is not a ''major rule'' as defined by 5 U.S.C. 801(2).

List of Subjects in 10 CFR Part 1008

Government employees, Investigations, Privacy, Security measures, Whistleblowing.

Issued in Washington, DC, on January 22, 2002.

Bruce M. Carnes,

Director, Office of Management, Budget and Evaluation/Chief Financial Officer.

For the reasons set forth in the preamble, part 1008 of Chapter X of Title 10, Code of Federal Regulations, is amended as set forth below:

PART 1008—RECORDS MAINTAINED ON INDIVIDUALS (PRIVACY ACT)

1. The authority citation for Part 1008 is revised to read as follows:

Authority: 42 U.S.C. 7101 *et seq.*; 50 U.S.C. 2401 *et seq.*; 5 U.S.C. 552a.

2. Section 1008.12 is amended:

a. by adding paragraphs (b)(1)(ii)(K), (b)(1)(ii)(L), (b)(1)(ii)(M);

b. by adding paragraphs (b)(2)(ii)(N), (b)(2)(ii)(O), (b)(2)(ii)(P);

c. by adding paragraphs (b)(3)(ii)(P), (b)(3)(ii)(Q) and (b)(3)(ii)(R).

The additions specified above read as follows:

§ 1008.12 Exemptions.

* * * * *

(b) * * *

(1) * * *

(ii) * * *

(K) Employee Concerns Program Records (DOE–3)

(L) Whistleblower Investigation, Hearing and Appeal Records (DOE–7)

(M) Intelligence Related Access Authorization (DOE–15)

(2) * * *

(ii) * * *

(N) Employee Concerns Program Records (DOE–3)

(O) Whistleblower Investigation, Hearing and Appeal Records (DOE–7)

(P) Intelligence Related Access Authorization (DOE–15)

(3) * * *

(ii) * * *

(P) Employee Concerns Program Records (DOE–3)

(Q) Whistleblower Investigation, Hearing and Appeal Records (DOE–7)

(R) Intelligence Related Access Authorization (DOE–15)

* * * * *

[FR Doc. 02–2111 Filed 1–28–02; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–373–AD; Amendment 39–12619; AD 2001–17–26 R1]

RIN 2120–AA64

Airworthiness Directives; Raytheon Model DH.125, HS.125, BH.125, and BAe.125 (U–125 and C–29A) Series Airplanes; Model Hawker 800, Hawker 800 (U–125A), Hawker 800XP, and Hawker 1000 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects and clarifies information in an existing airworthiness directive (AD) that applies to certain Raytheon Model DH.125, HS.125, BH.125, and BAe.125 (U–125 and C–29A) series airplanes; Model Hawker 800, Hawker 800 (U–125A), Hawker 800XP, and Hawker 1000 airplanes. That AD currently requires an inspection for cracking or corrosion of the cylinder head lugs of the main landing gear actuator and follow-on/corrective actions. This document corrects and clarifies the affected airplane serial numbers. This correction is necessary to ensure that operators do not misinterpret which airplanes are subject to the requirements of this AD.

DATES: Effective October 3, 2001.

The incorporation by reference of certain publications listed in the regulations was approved previously by the Director of the Federal Register as of October 3, 2001 (66 FR 45575, August 29, 2001).

FOR FURTHER INFORMATION CONTACT: David Ostrodka, Aerospace Engineer, Airframe Branch, ACE–118W, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone (316) 946–4129; fax (316) 946–4407.

SUPPLEMENTARY INFORMATION: On August 20, 2001, the Federal Aviation Administration (FAA) issued AD 2001–17–26, amendment 39–12417 (66 FR 45575, August 29, 2001), which applies to certain Raytheon Model DH.125, HS.125, BH.125, and BAe.125 (U–125 and C–29A) series airplanes; Model Hawker 800, Hawker 800 (U–125A), Hawker 800XP, and Hawker 1000 airplanes. That AD requires an inspection for cracking or corrosion of the cylinder head lugs of the main landing gear (MLG) actuator and follow-on/corrective actions. That AD was prompted by reports of attachment lugs cracking at the actuator cylinder head. The actions required by that AD are intended to prevent separation of the cylinder head lugs, which could prevent the main landing gear from extending and result in a partial gear-up landing.

Need for the Correction

Information obtained recently by the FAA indicates that the applicability of AD 2001–17–26 needs to be clarified and corrected.

As published, the applicability of that AD did not include the serial numbers of certain airplane models that were cited in the effectivity of Raytheon Service Bulletin 32–3391, dated August 2000. To correct that omission, we have determined that the applicability of this AD also must include the affected airplane serial numbers for Model Hawker 800 (U–125A up to and including serial number 258381) and for Model Hawker 800XP (up to but not including serial number 258490), as cited in the service bulletin.

Although the applicability of AD 2001–17–26 did not include the serial numbers, the FAA's intent was to list the serial numbers cited in the referenced service bulletin.

The FAA has determined that a correction to AD 2001–17–26 is necessary to correct and clarify the applicability and to include the affected airplane serial numbers.

Correction of Publication

This document corrects and clarifies the errors of AD 2001–17–26 and correctly adds the AD as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13).

The AD is reprinted in its entirety for the convenience of affected operators. The effective date of the AD remains October 3, 2001.

Since this action only clarifies and corrects a current requirement, it has no adverse economic impact and imposes no additional burden on any person. Therefore, the FAA has determined that notice and public procedures are unnecessary.

List of Subject in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Corrected]

2. Section 39.13 is amended by correctly adding the following airworthiness directive (AD):

2001–17–26 R1 Raytheon Aircraft Company: Amendment 39–12619. Docket 2000–NM–373–AD: Revises AD 2001–17–26, Amendment 39–12417.

Applicability: Model DH.125, HS.125, BH.125, and BAe.125 (U–125 and C–29A) series airplanes; Model Hawker 800, Hawker 800 (U–125A up to and including serial number 258381), Hawker 800XP (up to but not including serial number 258490), and Hawker 1000 airplanes; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent separation of the cylinder head lugs, which could prevent the main landing gear (MLG) from extending and result in a partial gear-up landing, accomplish the following:

Inspection

(a) Perform an eddy current inspection of the actuator cylinder head lugs for cracking or corrosion per Raytheon Service Bulletin 32–3391, dated August 2000, at the time specified in paragraph (a)(1), (a)(2), (a)(3), or (a)(4) of this AD, as applicable.

(1) For actuator cylinder heads that have 3,000 or less total landings as of the effective date of this AD: Perform the eddy current inspection within 24 months after the effective date of this AD.

(2) For actuator cylinder heads that have 3,001 to 4,000 total landings as of the effective date of this AD: Perform the eddy current inspection within 6 months after the effective date of this AD.

(3) For actuator cylinder heads that have been in service for more than 7 years as of the effective date of this AD: Perform the eddy current inspection within 6 months of the effective date of this AD.

(4) For actuator cylinder heads that have 4,001 or more total landings as of the effective date of this AD: Perform the eddy current inspection within 10 landings after the effective date of this AD.

If No Cracking or Corrosion

(b) If no cracking or corrosion is found during the inspection required by paragraph (a) of this AD, before further flight, accomplish the follow-on actions (e.g., ''vibro-etching'' the MLG actuator data plate, painting a blue stripe on the actuator cylinder head to indicate 1/32 inch oversize bushings, replacing bushings, and applying corrosion protection to the lug bores), per Raytheon Service Bulletin 32–3391, dated August 2000.

If Any Cracking or Corrosion

(c) If any cracking or corrosion is found during the inspection required by paragraph (a) of this AD, before further flight, accomplish either of the actions specified in paragraph (c)(1) or (c)(2) of this AD, per Raytheon Service Bulletin 32–3391, dated August 2000.

(1) Replace the actuator of the MLG with a new or serviceable actuator, or

(2) Replace the actuator cylinder head with a new cylinder head.

Note 2: Raytheon Service Bulletin 32–3391, dated August 2000, references Precision Hydraulics Cylinder Maintenance Manual (CMM) 32–30–1105 as an additional source of service information.

Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Wichita Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

Special Flight Permit

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(f) The actions shall be done in accordance with Raytheon Service Bulletin 32–3391, dated August 2000. This incorporation by reference was approved previously by the Director of the Federal Register as of October 3, 2001 (66 FR 45575, August 29, 2001). Copies may be obtained from Raytheon Aircraft Company, Department 62, P.O. Box 85, Wichita, Kansas 67201–0085. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, Kansas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(g) The effective date of this amendment remains October 3, 2001.

Issued in Renton, Washington, on January 18, 2002.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification, Service.

[FR Doc. 02–1966 Filed 1–28–02; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL TRADE COMMISSION

16 CFR Part 305

Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (''Appliance Labeling Rule''); Correction

AGENCY: Federal Trade Commission.

ACTION: Final rule; correction.

SUMMARY: The Federal Trade Commission (''Commission'') amends its Appliance Labeling Rule by issuing a correction to the range of comparability for certain freezers published on November 19, 2001 (66 FR 57867), to become effective on February 19, 2002. The correction affects only the range of comparability in Appendix B1 of the Rule for upright freezers with manual defrost with a total refrigerated volume between 13.5 and 15.4 cubic feet.

EFFECTIVE DATE: February 19, 2002.

FOR FURTHER INFORMATION CONTACT: Hampton Newsome, Attorney, Division of Enforcement, Federal Trade Commission, Washington, DC 20580 (202–326–2889); *hnewsome@ftc.gov.*

SUPPLEMENTARY INFORMATION: Energy use figures for 2001 for refrigerators, refrigerator-freezers, and freezers were submitted last year by manufacturers

and analyzed by the Commission. New ranges of comparability based upon them were published in the **Federal Register** on November 19, 2001 (66 FR 57867). The Commission staff has learned since publication that there was an inadvertent error in the range in Appendix B1 for upright freezers with manual defrost with total refrigerated volumes between 13.5 and 15.4 cubic feet. This notice contains the corrected number.

Although this corrected range of comparability for upright freezers with manual defrost is being published prior to the effective date of the November notice, manufacturers need not relabel any freezer already labeled and may use any labels that were ordered or printed before the date of this notice in good faith reliance on the November 19 notice. After this initial stock of labels is exhausted, however, manufacturers must use labels based on today's notice.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a Regulatory Flexibility Act analysis (5 U.S.C. 603–604) are not applicable to this proceeding because the amendments do not impose any new obligations on entities regulated by the Appliance Labeling Rule. Thus, the amendments will not have a ''significant economic impact on a substantial number of small entities.'' 5 U.S.C. 605. The Commission has concluded, therefore, that a regulatory flexibility analysis is not necessary, and certifies, under section 605 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the amendments announced today will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, labeling, Reporting and recordkeeping requirements.

Accordingly, 16 CFR part 305 is corrected by making the following correcting amendments:

PART 305—[CORRECTED]

1. The authority citation for Part 305 continues to read as follows:

Authority: 42 U.S.C. 6294.

2. Appendix B1 to Part 305 is revised to read as follows:

APPENDIX B1 TO PART 305.—UPRIGHT FREEZERS WITH MANUAL DEFROST

[Range information]

Manufacturer's rated total refrigerated volume in cubic feet	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Less than 5.5	(*)	(*)
5.5 to 7.4	354	354
7.5 to 9.4	372	372
9.5 to 11.4	392	392
11.5 to 13.4	409	410
13.5 to 15.4	442	454
15.5 to 17.4	477	482
17.5 to 19.4	(*)	(*)
19.5 to 21.4	512	527
21.5 to 23.4	(*)	(*)
23.5 to 25.4	580	580
25.5 to 27.4	(*)	(*)
27.5 to 29.4	(*)	(*)
29.5 and over	1,748	1,748

*No data submitted for units meeting the Department of Energy's Energy Conservation Standards effective July 1, 2001.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 02–2073 Filed 1–28–02; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8981]

RIN 1545–BA40

Disallowance of Deductions and Credits for Failure to File Timely Return

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final and temporary regulations.

SUMMARY: This document contains regulations relating to the disallowance of deductions and credits for nonresident alien individuals and foreign corporations that fail to file a timely U.S. income tax return. The current regulations permit nonresident aliens and foreign corporations the benefit of deductions and credits only if they timely file a U.S. income tax return in accordance with subtitle F of the Internal Revenue Code, unless the Commissioner waives the filing deadlines. The temporary regulations revise the waiver standard. The text of these temporary regulations also serves as the text of the proposed regulations set forth in the notice of proposed rulemaking on this subject in the Proposed Rules section of this issue of the **Federal Register**.

DATES: *Effective Date:* These regulations are effective January 29, 2002.

Applicability Date: For dates of applicability, see §§ 1.874–1T(b)(4) and 1.882–4T(a)(3)(iv) of these regulations.

FOR FURTHER INFORMATION CONTACT: Nina E. Chowdhry (202) 622–3880 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

Section 871(b)(1) provides that a nonresident alien individual engaged in a trade or business within the United States shall be taxed on income effectively connected with the conduct of the trade or business within the United States. Likewise, under section 882(a)(1), a foreign corporation engaged in a trade or business within the United States shall be taxed on its income effectively connected with the conduct of the trade or business within the United States. In determining the amount of effectively connected taxable income, both the nonresident alien individual and the foreign corporation (collectively, foreign taxpayers) generally may deduct from effectively connected gross income expenses that are properly allocated and apportioned to that gross income. However, under sections 874(a)(1) and 882(c)(2), a foreign taxpayer generally is entitled to those deductions, and to allowable credits, only if it files a true and accurate U.S. income tax return in the manner prescribed in subtitle F of the Internal Revenue Code (Code), including on the return all the information necessary for the calculation of the deductions and credits.

Sections 1.874–1(b)(1) and 1.882–4(a)(3)(i) provide filing deadlines beyond which a return entitling the foreign taxpayer to deductions and credits may not be filed. Under §§ 1.874–1(b)(2) and 1.882–4(a)(3)(ii), as currently in effect, the Commissioner may waive the filing deadlines prescribed in §§ 1.874–1(b)(1) and 1.882–4(a)(3)(i) in rare and unusual circumstances if good cause for such waiver, based on the facts and circumstances, is established by a foreign taxpayer who does not file a return (a non-filer). When these regulations were promulgated in 1990, Treasury and the IRS intended that the waiver standard balance the legislative intent to establish strong compliance measures with respect to required

income tax return filing by foreign taxpayers with a means to grant relief from the filing deadlines in appropriate cases. In practice, the IRS has found that the standard currently in §§ 1.874–1(b)(2) and 1.882–4(a)(3)(ii) (the waiver standard) is too restrictive and does not achieve this balance.

Explanation of Provisions

The temporary regulations in this document revise the waiver standard contained in §§ 1.874–1(b)(2) and 1.882–4(a)(3)(ii) and provide examples of the application of the revised standard. The revised waiver standard provides that the filing deadlines may be waived by the Commissioner or his or her delegate if the non-filer establishes that, based on the facts and circumstances, the non-filer acted reasonably and in good faith in failing to file a U.S. income tax return (including a protective return). For this purpose, a non-filer is not considered to have acted reasonably and in good faith if the non-filer knew that it was required to file the return but chose not to file the return. In addition, a non-filer shall not be granted a waiver unless the non-filer cooperates in determining the non-filer's U.S. tax liability for the taxable year for which the return was not filed. The following factors will be considered by the IRS in determining whether a non-filer, based on the facts and circumstances, acted reasonably and in good faith in failing to file a U.S. income tax return: whether the non-filer voluntarily identifies itself to the IRS as having failed to file a U.S. income tax return before the IRS discovers the failure to file; whether the non-filer did not become aware of the non-filer's ability to file a protective return by the deadline for filing the protective return; whether the non-filer had not previously filed a U.S. income tax return; whether the non-filer failed to file a U.S. income tax return because, after exercising reasonable diligence (taking into account relevant experience and level of sophistication), the non-filer was unaware of the necessity for filing the return; whether the non-filer failed to file a U.S. income tax return because of intervening events beyond the non-filer's control; and whether other mitigating or exacerbating circumstances existed.

Effective Date

These regulations apply to open years for which requests for waivers of application of sections 874(a) and 882(c) are filed on or after January 29, 2002.

Special Analyses

It has been determined that these temporary regulations are not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations and, because no notice of proposed rulemaking is required, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Code, these temporary regulations will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small businesses.

Drafting Information

The principal author of these regulations is Nina Chowdhry of the Office of Associate Chief Counsel (International). However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

Paragraph 1. The authority citation for part 1 is amended by adding entries in numerical order to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

Section 1.874–1T also issued under 26 U.S.C. 874. * * *

Section 1.882–4T also issued under 26 U.S.C. 882(c). * * *

Par. 2. Section 1.874–1 is amended by:

1. Revising paragraph (b)(2).
2. Paragraphs (b)(3) and (b)(4) are redesignated as paragraphs (b)(5) and (b)(6), respectively.
3. New paragraphs (b)(3) and (b)(4) are added.

The revision and additions read as follows:

§ 1.874–1 Allowance of deductions and credits to nonresident alien individuals.

* * * * *

(b)(2) through (4) For further guidance, see § 1.874–1T(b)(2) through (4).

* * * * *

Par. 3. Section 1.874–1T is added to read as follows:

§ 1.874–1T Allowance of deductions and credits to nonresident alien individuals (temporary).

(a) through (b)(1) For further guidance, see § 1.874–1(a) through (b)(1).

(b)(2) *Waiver.* The filing deadlines set forth in paragraph (b)(1) of this section may be waived if the nonresident alien individual establishes to the satisfaction of the Commissioner or his or her delegate that the individual, based on the facts and circumstances, acted reasonably and in good faith in failing to file a U.S. income tax return (including a protective return (as described in § 1.874–1(b)(6))). For this purpose, a nonresident alien individual shall not be considered to have acted reasonably and in good faith if the individual knew that he or she was required to file the return and chose not to file the return. In addition, a nonresident alien individual shall not be granted a waiver unless the individual cooperates in determining his or her U.S. income tax liability for the taxable year for which the return was not filed. The Commissioner or his or her delegate shall consider the following factors in determining whether the nonresident alien individual, based on the facts and circumstances, acted reasonably and in good faith in failing to file a U.S. income tax return:

(i) Whether the individual voluntarily identifies himself or herself to the Internal Revenue Service as having failed to file a U.S. income tax return before the Internal Revenue Service discovers the failure to file;

(ii) Whether the individual did not become aware of his or her ability to file a protective return (as described in § 1.874–1(b)(6)) by the deadline for filing the protective return;

(iii) Whether the individual had not previously filed a U.S. income tax return;

(iv) Whether the individual failed to file a U.S. income tax return because, after exercising reasonable diligence (taking into account his or her relevant experience and level of sophistication), the individual was unaware of the necessity for filing the return;

(v) Whether the individual failed to file a U.S. income tax return because of intervening events beyond the individual's control; and

(vi) Whether other mitigating or exacerbating factors existed.

(3) *Examples.* The following examples illustrate the provisions of this paragraph (b). In all examples, A is a nonresident alien individual and uses the calendar year as A's taxable year. The examples are as follows:

Example 1. Nonresident alien individual discloses own failure to file. In Year 1, A became a limited partner with a passive investment in a U.S. limited partnership that was engaged in a U.S. trade or business. During Year 1 through Year 4, A incurred losses with respect to A's U.S. partnership interest. A's foreign tax advisor incorrectly concluded that because A was a limited partner and had only losses from A's partnership interest, A was not required to file a U.S. income tax return. A was aware neither of A's obligation to file a U.S. income tax return for those years nor of A's ability to file a protective return for those years. A had never filed a U.S. income tax return before. In Year 5, A began realizing a profit, rather than a loss, with respect to the partnership interest, and, for this reason, engaged a U.S. tax advisor to handle A's responsibility to file U.S. income tax returns. In preparing A's U.S. income tax return for Year 5, A's U.S. tax advisor discovered that returns were not filed for Year 1 through Year 4. Therefore, with respect to those years for which applicable filing deadlines in § 1.874–1(b)(1) were not met, A would be barred by paragraph § 1.874–1(a) from claiming any deductions that otherwise would have given rise to net operating losses on returns for these years, and would have been available as loss carryforwards in subsequent years. At A's direction, A's U.S. tax advisor promptly contacted the appropriate examining personnel and cooperated with the Internal Revenue Service in determining A's income tax liability, for example, by preparing and filing the appropriate income tax returns for Year 1 through Year 4 and by making A's books and records available to an Internal Revenue Service examiner. A has met the standard described in paragraph (b)(2) of this section for waiver of any applicable filing deadlines in § 1.874–1(b)(1).

Example 2. Nonresident alien individual refuses to cooperate. Same facts as in *Example 1,* except that while A's U.S. tax advisor contacted the appropriate examining personnel and filed the appropriate income tax returns for Year 1 through Year 4, A refused all requests by the Internal Revenue Service to provide supporting information (for example, books and records) with respect to those returns. Because A did not cooperate in determining A's U.S. tax liability for the taxable years for which an income tax return was not timely filed, A is not granted a waiver as described in paragraph (b)(2) of this section of any applicable filing deadlines in § 1.874–1(b)(1).

Example 3. Nonresident alien individual fails to file a protective return. Same facts as in *Example 1,* except that in Year 1 through Year 4, A also consulted a U.S. tax advisor, who advised A that it was uncertain whether U.S. income tax returns were necessary for those years and that A could protect its right subsequently to claim the loss carryforwards by filing protective returns under § 1.874–1(b)(6). A did not file U.S. income tax returns or protective returns for those years. A did not present evidence that intervening events beyond A's control prevented A from filing an income tax return, and there were no other mitigating factors. A has not met the standard described in paragraph (b)(2) of this section for waiver of any applicable filing deadlines in § 1.874–1(b)(1).

Example 4. Nonresident alien with effectively connected income. In Year 1, A, a computer programmer, opened an office in the United States to market and sell a software program that A had developed outside the United States. A had minimal business or tax experience internationally, and no such experience in the United States. Through A's personal efforts, U.S. sales of the software produced income effectively connected with a U.S. trade or business. A, however, did not file U.S. income tax returns for Year 1 or Year 2. A was aware neither of A's obligation to file a U.S. income tax return for those years, nor of A's ability to file a protective return for those years. A had never filed a U.S. income tax return before. In November of Year 3, A engaged U.S. counsel in connection with licensing software to an unrelated U.S. company. U.S. counsel reviewed A's U.S. activities and advised A that A should have filed U.S. income tax returns for Year 1 and Year 2. A immediately engaged a U.S. tax advisor who, at A's direction, promptly contacted the appropriate examining personnel and cooperated with the Internal Revenue Service in determining A's income tax liability, for example, by preparing and filing the appropriate income tax returns for Year 1 and Year 2 and by making A's books and records available to an Internal Revenue Service examiner. A has met the standard described in paragraph (b)(2) of this section for waiver of any applicable filing deadlines in § 1.874–1(b)(1).

Example 5. IRS discovers nonresident alien's failure to file. In Year 1, A, a computer programmer, opened an office in the United States to market and sell a software program that A had developed outside the United States. Through A's personal efforts, U.S. sales of the software produced income effectively connected with a U.S. trade or business. A had extensive experience conducting similar business activities in other countries, including making the appropriate tax filings. However, A was aware neither of A's obligation to file a U.S. income tax return for those years, nor of A's ability to file a protective return for those years. A had never filed a U.S. income tax return before. Despite A's extensive experience conducting similar business activities in other countries, A made no effort to seek advice in connection with A's U.S. tax obligations. A failed to file either U.S. income tax returns or protective returns for Year 1 and Year 2. In November of Year 3, an Internal Revenue Service examiner asked A for an explanation of A's failure to file U.S. income tax returns. A immediately engaged X, a U.S. tax advisor, and cooperated with the Internal Revenue Service in determining A's income tax liability, for example, by preparing and filing the appropriate income tax returns for Year 1 and Year 2 and by making A's books and records available to the examiner. A did not present evidence that intervening events beyond A's control prevented A from filing a return, and there were no other mitigating factors. A has not met the standard described in paragraph (b)(2) of this section for waiver of any applicable filing deadlines in § 1.874–1(b)(1).

Example 6. Nonresident alien with prior filing history. A began a U.S. trade or business in Year 1 as a sole proprietorship. A's tax advisor filed the appropriate U.S. income tax returns for Year 1 through Year 6, reporting income effectively connected with A's U.S. trade or business. In Year 7, A replaced its tax advisor with a tax advisor unfamiliar with U.S. tax law. A did not file a U.S. income tax return for any year from Year 7 through Year 10, although A had effectively connected income for those years. A was aware of A's ability to file a protective return for those years. In Year 11, an Internal Revenue Service examiner contacted A and asked for an explanation of A's failure to file income tax returns after Year 6. A immediately engaged a U.S. tax advisor and cooperated with the Internal Revenue Service in determining A's income tax liability, for example, by preparing and filing the appropriate income tax returns for Year 7 through Year 10 and by making A's books and records available to the examiner. A did not present evidence that intervening events beyond A's control prevented A from filing a return, and there were no other mitigating factors. A has not met the standard described in paragraph (b)(2) of this section for waiver of any applicable filing deadlines in § 1.874–1(b)(1).

(4) *Effective date.* Paragraphs (b)(2) and (3) of this section are applicable to open years for which a request for a waiver is filed on or after January 29, 2002.

(b)(5) through (e). For further guidance, see § 1.874–1 (b)(5) through (e).

Par. 4. Section 1.882–4 is amended by:

1. Revising paragraph (a)(3)(ii).
2. Paragraphs (a)(3)(iii) through (a)(3)(v) are redesignated as paragraphs (a)(3)(v) through (a)(3)(vii), respectively.
3. New paragraphs (a)(3)(iii) and (a)(3)(iv) are added.

The revision and additions read as follows:

§ 1.882–4 Allowance of deductions and credits to foreign corporations.

(a) * * *

(3) * * *

(ii) through (iv) For further guidance, see § 1.882–4T(a)(3)(ii) through (iv).

* * * * *

Par. 5. Section 1.882–4T is added to read as follows:

§ 1.882–4T Allowance of deductions and credits to foreign corporations (temporary).

(a) through (a)(3)(i) For further guidance, see § 1.882–4(a) through (a)(3)(i).

(a)(3)(ii) The filing deadlines set forth in § 1.882–4(a)(3)(i) may be waived if the foreign corporation establishes to the satisfaction of the Commissioner or his or her delegate that the corporation, based on the facts and circumstances, acted reasonably and in good faith in

failing to file a U.S. income tax return (including a protective return (as described in § 1.882–4(a)(3)(vi))). For this purpose, a foreign corporation shall not be considered to have acted reasonably and in good faith if the foreign corporation knew that it was required to file the return and chose not to file the return. In addition, a foreign corporation shall not be granted a waiver unless the foreign corporation cooperates in the process of determining its income tax liability for the taxable year for which the return was not filed. The Commissioner or his or her delegate shall consider the following factors in determining whether the foreign corporation, based on the facts and circumstances, acted reasonably and in good faith in failing to file a U.S. income tax return:

(A) Whether the corporation voluntarily identifies itself to the Internal Revenue Service as having failed to file a U.S. income tax return before the Internal Revenue Service discovers the failure to file;

(B) Whether the corporation did not become aware of its ability to file a protective return (as described in § 1.882–4(a)(3)(vi)) by the deadline for filing a protective return;

(C) Whether the corporation had not previously filed a U.S. income tax return;

(D) Whether the corporation failed to file a U.S. income tax return because, after exercising reasonable diligence (taking into account its relevant experience and level of sophistication), the corporation was unaware of the necessity for filing the return;

(E) Whether the corporation failed to file a U.S. income tax return because of intervening events beyond the corporation's control; and

(F) Whether other mitigating or exacerbating factors existed.

(iii) The following examples illustrate the provisions of this section. In all examples, FC is a foreign corporation and uses the calendar year as its taxable year. The examples are as follows:

Example 1. Foreign corporation discloses own failure to file. In Year 1, FC became a limited partner with a passive investment in a U.S. limited partnership that was engaged in a U.S. trade or business. During Year 1 through Year 4, FC incurred losses with respect to FC's U.S. partnership interest. FC's foreign tax director incorrectly concluded that because FC was a limited partner and had only losses from FC's partnership interest, FC was not required to file a U.S. income tax return. FC's management was aware neither of FC's obligation to file a U.S. income tax return for those years nor of FC's ability to file a protective return for those years. FC had never filed a U.S. income tax return before. In Year 5, FC began realizing a profit, rather than a loss, with respect to the partnership interest, and, for this reason, engaged a U.S. tax advisor to handle FC's responsibility to file U.S. income tax returns. In preparing FC's income tax return for Year 5, FC's U.S. tax advisor discovered that returns were not filed for Year 1 through Year 4. Therefore, with respect to those years for which applicable filing deadlines in § 1.882–4(a)(3)(i) were not met, FC would be barred by § 1.882–4(a)(2) from claiming any deductions that otherwise would have given rise to net operating losses on returns for these years, and would have been available as loss carryforwards in subsequent years. At FC's direction, FC's U.S. tax advisor promptly contacted the appropriate examining personnel and cooperated with the Internal Revenue Service in determining FC's income tax liability, for example, by preparing and filing the appropriate income tax returns for Year 1 through Year 4 and by making FC's books and records available to an Internal Revenue Service examiner. FC has met the standard described in paragraph (a)(3)(ii) of this section for waiver of any applicable filing deadlines in § 1.882–4(a)(3)(i).

Example 2. Foreign corporation refuses to cooperate. Same facts as in Example 1, except that while FC's U.S. tax advisor contacted the appropriate examining personnel and filed the appropriate income tax returns for Year 1 through Year 4, FC refused all requests by the Internal Revenue Service to provide supporting information (for example, books and records) with respect to those returns. Because FC did not cooperate in determining its U.S. tax liability for the taxable years for which an income tax return was not timely filed, FC is not granted a waiver as described in paragraph (a)(3)(ii) of this section of any applicable filing deadlines in § 1.882–4(a)(3)(i).

Example 3. Foreign corporation fails to file a protective return. Same facts as in Example 1, except that in Year 1 through Year 4, FC's tax director also consulted a U.S. tax advisor, who advised FC's tax director that it was uncertain whether U.S. income tax returns were necessary for those years and that FC could protect its right subsequently to claim the loss carryforwards by filing protective returns under § 1.882–4(a)(3)(vi). FC did not file U.S. income tax returns or protective returns for those years. FC did not present evidence that intervening events beyond FC's control prevented FC from filing an income tax return, and there were no other mitigating factors. FC has not met the standard described in paragraph (a)(3)(ii) of this section for waiver of any applicable filing deadlines in § 1.882–4(a)(3)(i).

Example 4. Foreign corporation with effectively connected income. In Year 1, FC, a technology company, opened an office in the United States to market and sell a software program that FC had developed outside the United States. FC had minimal business or tax experience internationally, and no such experience in the United States. Through FC's direct efforts, U.S. sales of the software produced income effectively connected with a U.S. trade or business. FC, however, did not file U.S. income tax returns for Year 1 or Year 2. FC's management was aware neither of FC's obligation to file a U.S. income tax return for those years, nor of FC's ability to file a protective return for those years. FC had never filed a U.S. income tax return before. In January of Year 4, FC engaged U.S. counsel in connection with licensing software to an unrelated U.S. company. U.S. counsel reviewed FC's U.S. activities and advised FC that FC should have filed U.S. income tax returns for Year 1 and Year 2. FC immediately engaged a U.S. tax advisor, at FC's direction, who promptly contacted the appropriate examining personnel and cooperated with the Internal Revenue Service in determining FC's income tax liability, for example, by preparing and filing the appropriate income tax returns for Year 1 and Year 2 and by making FC's books and records available to an Internal Revenue Service examiner. FC has met the standard described in paragraph (a)(3)(ii) of this section for waiver of any applicable filing deadlines in § 1.882–4(a)(3)(i).

Example 5. IRS discovers foreign corporation's failure to file. In Year 1, FC, a technology company, opened an office in the United States to market and sell a software program that FC had developed outside the United States. Through FC's direct efforts, U.S. sales of the software produced income effectively connected with a U.S. trade or business. FC had extensive experience conducting similar business activities in other countries, including making the appropriate tax filings. However, FC's management was aware neither of FC's obligation to file a U.S. income tax return for those years, nor of FC's ability to file a protective return for those years. FC had never filed a U.S. income tax return before. Despite FC's extensive experience conducting similar business activities in other countries, FC made no effort to seek advice in connection with FC's U.S. tax obligations. FC failed to file either U.S. income tax returns or protective returns for Year 1 and Year 2. In January of Year 4, an Internal Revenue Service examiner asked FC for an explanation of FC's failure to file U.S. income tax returns. FC immediately engaged X, a U.S. tax advisor, and cooperated with the Internal Revenue Service in determining FC's income tax liability, for example, by preparing and filing the appropriate income tax returns for Year 1 and Year 2 and by making FC's books and records available to the examiner. FC did not present evidence that intervening events beyond FC's control prevented FC from filing a return, and there were no other mitigating factors. FC has not met the standard described in paragraph (a)(3)(ii) of this section for waiver of any applicable filing deadlines in § 1.882–4(a)(3)(i) of this section.

Example 6. Foreign corporation with prior filing history. FC began a U.S. trade or business in Year 1. FC's tax advisor filed the appropriate U.S. income tax returns for Year 1 through Year 6, reporting income effectively connected with FC's U.S. trade or business. In Year 7, FC replaced its tax advisor with a tax advisor unfamiliar with U.S. tax law. FC did not file a U.S. income tax return for any year from Year 7 through Year 10, although FC had effectively connected income for those years. FC's

management was aware of FC's ability to file a protective return for those years. In Year 11, an Internal Revenue Service examiner contacted FC and asked FC's chief financial officer for an explanation of its failure to file U.S. income tax returns after Year 6. FC immediately engaged a U.S. tax advisor and cooperated with the Internal Revenue Service in determining FC's income tax liability, for example, by preparing and filing the appropriate income tax returns for Year 7 through Year 10 and by making FC's books and records available to the examiner. FC did not present evidence that intervening events beyond FC's control prevented FC from filing a return, and there were no other mitigating factors. FC has not met the standard described in paragraph (a)(3)(ii) of this section for waiver of any applicable filing deadlines in § 1.882–4(a)(3)(i).

(iv) Paragraphs (a)(3)(ii) and (iii) of this section are applicable to open years for which a request for a waiver is filed on or after January 29, 2002.

(a)(3)(v) through (b)(2) For further guidance, see § 1.882–4(a)(3)(v) through (b)(2).

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

Approved: January 4, 2002.

Mark Weinberger,

Assistant Secretary of the Treasury.

[FR Doc. 02–2044 Filed 1–28–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[TD 8975]

RIN 1545–BA21

Certain Transfers of Property to Regulated Investment Companies [RICs] and Real Estate Investment Trusts [REITs]; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to temporary regulations.

SUMMARY: This document contains corrections to temporary regulations that were published in the **Federal Register** on Wednesday, January 2, 2002 (67 FR 8) relating to certain transactions or events that result in a Regulated Investment Company [RIC] or a Real Estate Investment Trust [REIT] owning property that has a basis determined by reference to a C corporation's basis in the property under sections 631 and 633.

DATES: This correction is effective January 2, 2002.

FOR FURTHER INFORMATION CONTACT: Lisa A. Fuller, (202) 622–7750 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations that are the subject of these corrections is under sections 631 and 633 of the Internal Revenue Code.

Need for Correction

As published, the TD 8975 contain errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of TD 8975, that were the subject of FR Doc. 01–31969, is corrected as follows:

1. On page 10, column 1, in the preamble under the paragraph heading *''Section 1374 Operational Rules''*, first paragraph, line 8, the language ''The comments pointed out certain'' is corrected to read ''The commentators pointed out certain''.

LaNita Van Dyke,

Acting, Chief, Regulations Unit, Associate Chief Counsel (Income Tax and Accounting).

[FR Doc. 02–2154 Filed 1–28–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08–01–050]

RIN 2115–AE47

Drawbridge Operating Regulation; Mississippi River, Wisconsin and Minnesota

AGENCY: Coast Guard, DOT.

ACTION: Temporary deviation.

SUMMARY: The Commander, Eighth Coast Guard District has authorized a temporary deviation from the regulation governing the LaCrosse Railroad Drawbridge, Mile 699.8, Upper Mississippi River at LaCrosse, Wisconsin. This deviation allows the drawbridge to remain closed to navigation for 56 days from 12:01 a.m., January 14, 2002, until 12:01 a.m., March 11, 2002, Central Standard Time. This action will facilitate maintenance work on the bridge.

DATES: This temporary deviation is effective from 12:01 a.m., January 14, 2002, until 12:01 a.m., March 11, 2002.

ADDRESSES: Unless otherwise indicated, documents referred to in this notice are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Commander (obr), Eighth Coast Guard District, 1222 Spruce Street, St. Louis, MO 63103–2832. The Bridge Administration Branch maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: Roger K. Wiebusch, Bridge Administrator, telephone (314) 539–3900, extension 378.

SUPPLEMENTARY INFORMATION: The Canadian Pacific Railway requested a temporary deviation on December 4, 2001 for the operation of the LaCrosse Railroad drawbridge (33 CFR 117.671(b)) to allow the bridge owner time for preventative maintenance.

The LaCrosse Railroad Drawbridge provides a vertical clearance of 21.9 feet above normal pool in the closed-to-navigation position. Navigation on the waterway consists primarily of commercial tows and recreational watercraft. This deviation has been coordinated with waterway users. No objections were received.

This deviation allows the bridge to remain closed to navigation from 12:01 a.m., January 14, 2002 to 12:01 a.m., March 11, 2002. The drawbridge operation regulations, when not amended by a deviation, requires that the drawbridge open on signal.

Roy J. Casto,

Rear Admiral, U.S. Coast Guard Commander, Eighth Coast Guard District.

[FR Doc. 02–2151 Filed 1–28–02; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP MIAMI–01–122]

RIN 2116–AA97

Security Zones; Port Everglades, Fort Lauderdale, FL

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary fixed security zone encompassing the Intracoastal Waterway near Port Everglades, Florida. This security zone is needed for national security reasons to protect the public, ports, and waterways from potential subversive acts. Entry into this zone is prohibited, unless specifically authorized by the Captain of the Port,

Miami, Florida, or his designated representative.

DATES: This rule is effective from 8 a.m. on October 12, 2001 until 11:59 p.m. on June 15, 2002.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of [COTP Miami 01–122] and are available for inspection or copying at Marine Safety Office Miami, 100 MacArthur Causeway, Miami Beach, FL 33139, between 7:30 p.m. and 4 p.m. Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LT Warren Weedon, Coast Guard Marine Safety Office Miami, at (305) 535–8701.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a NPRM. Publishing a NPRM, which would incorporate a comment period before a final rule could be issued, would be contrary to the public interest since immediate action is needed to protect the public, ports and waterways of the United States. For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The Coast Guard will issue a broadcast notice to mariners and place Coast Guard vessels in the vicinity to advise mariners of the zone.

Background and Purpose

Based on the September 11, 2001, terrorist attacks on the World Trade Center buildings in New York and the Pentagon in Arlington, Virginia, there is an increased risk that subversive activity could be launched by vessels or persons in close proximity to Port Everglades against tank vessels and cruise ships entering, departing and moored within these ports. United States Coast Guard and local police department patrol vessels will patrol this zone. The Captain of the Port has previously established a fixed security zone for high capacity passenger vessels, and vessels carrying cargoes of particular hazard in dockets COTP Miami–01–093 and COTP Miami–01–115 (67 FR 1101, January 9, 2002).

Unauthorized vessels are prohibited from entering this temporary fixed security zone. The zone encompasses the waters of the Intracoastal Waterway between a line connecting point 26°05.41′ N, 080°06.97′ W on the northern tip of Port Everglades berth 22 near Bert and Jacks Restaurant and a point directly east across the Intracoastal Waterway to 26°05.41′ N, 080° 06.74′ W; and a line drawn from the corner of Port Everglades berth 29 at point 26°04.72′ N, 080°06.92′ W, easterly across the Intracoastal Waterway to John U. Loyd Beach, State Recreational Area at point 26°04.72′ N, 080°06.81′ W. The temporary fixed security zones is activated when a high capacity passenger vessel or a vessel carrying cargoes of particular hazard as defined in Title 33 of the Code of Federal Regulations, part 126, enter or moor within this zone.

Vessels may transit the Intracoastal Waterway when cruise ships are berthed, by staying east of the law enforcement boats and cruise ship tenders which will mark a transit lane in the Intracoastal Waterway. Periodically, vessels may be asked to temporarily hold their positions while large commercial traffic operates in this area. Vessels near this security zone must follow the orders of the law enforcement vessels on scene. When cruise ships are not berthed on the Intracoastal Waterway, the zone will remain in place, but navigation will be unrestricted. Law enforcement vessels can be contacted on VHF Marine Band Radio, Channel 16 (156.8 MHz).

The Captain of the Port will notify the public via Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz) when the zone is activated. Entry into this security zone is prohibited unless specifically authorized by the Captain of the Port, Miami, Florida.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. The Office of Management and Budget has not reviewed it under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979) because this zone is only in effect when certain vessels enter or moor at certain berths in Port Everglades. Moreover, traffic will be allowed to enter and pass through this zone under the direction of U.S. Coast Guard or assisting law enforcement vessels.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), the Coast Guard considered whether this rule would have a significant economic effect upon 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 of less than 50,000.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities because the zone will only be in effect during certain times and small entities may be allowed to enter the zone during scheduled vessel escorts.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we offer to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. If the rule will affect your small business, organization, or government jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** for assistance in understanding this rule.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This rule calls for no new collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501–3520).

Federalism

A rule has implication for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions

that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b) (2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Environmental

The Coast Guard considered the environmental impact of this rule and concluded under Figure 2–1, paragraph 34(g) of Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationships between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or use. We have determined that it is not a ''significant energy action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165, as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, 160.5; 49 CFR 1.46.

2. A new temporary § 165.T07–122 is added to read as follows:

§ 165.T07–122 Security Zones; Ports Everglades, Fort Lauderdale, Florida.

(a) *Regulated area.* The Captain of the Port is establishing a temporary fixed security zone on the Intracoastal Waterway and prohibiting unauthorized vessels from entering the zone. The zone encompasses the waters of the Intracoastal Waterway between a line connecting point 26°05.41′ N, 080°06.97′ W on the northern tip of Port Everglades berth 22 near Burt and Jacks Restaurant and a point directly east across the Intracoastal Waterway to 26°05.41′ N, 080°06.74′ W; and a line drawn from the corner of Port Everglades berth 29 at point 26°04.72′ N, 080°06.92′ W, easterly across the Intracoastal Waterway to John U. Lloyd Beach, State Recreational Area at point 26°04.72′ N, 080°06.81′ W. This temporary fixed security zone is activated when a cruise ship or a vessel carrying cargoes of particular hazard, as defined in 33 CFR part 126, enter or moor within this zone.

(b) *Regulations.* In accordance with the general regulations in § 165.33 of this part, entry into this zone is prohibited except as authorized by the Captain of the Port, a Coast Guard commissioned, warrant, or petty officer, or other law enforcement officer designated by him. The Captain of the Port will notify the public via Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz) when the security zone is activated.

Vessels may transit the Intercoastal Waterway when cruise ships or vessels carrying cargoes of particular hazard are berthed, by staying east of the law enforcement boats and cruise ship tenders which will mark a transit lane in the Intercoastal Waterway. Periodically, vessels may be asked to temporarily hold their positions while large commercial traffic operates in this area. Vessels near this security zone must follow the orders of the law enforcement vessels on scene. When cruise ships are not berthed on the Intercoastal Waterway, the zone will remain in place, but navigation will be unrestricted. Law enforcement vessels can be contacted on VHF Marine Band Radio, Channel 16 (156.8 MHz).

(c) *Dates.* This section is effective from 8 a.m. on October 12, 2001 until 11:59 p.m. on June 15, 2002.

Dated: October 11, 2001.

J.A. Watson, IV,

Captain, U.S. Coast Guard, Captain of the Port Miami.

[FR Doc. 02–2153 Filed 1–28–02; 8:45 am]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[FRL–7134–7]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; States of Kansas, Missouri, and Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving the Commercial and Industrial Solid Waste Incineration (CISWI) section 111(d) negative declarations submitted by the states of Kansas, Missouri, and Nebraska. These negative declarations certify that CISWI units subject to the requirements of sections 111(d) and 129 of the Clean Air Act (CAA) do not exist in these states.

DATES: This direct final rule will be effective April 1, 2002 unless EPA receives adverse comments by February 28, 2002. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Comments may be mailed to Wayne Kaiser, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

Copies of documents relative to this action are available for public inspection during normal business hours at the above-listed Region 7 location. The interested persons wanting to examine these documents

should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Wayne Kaiser at (913) 551–7603.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

Information regarding this action is presented in the following order:

What is a 111(d) plan?
What are the regulatory requirements for CISWIs?
Why is this action necessary?
What action are we taking in this notice?

What Is a 111(d) Plan?

Section 111(d) of the CAA requires states to submit plans to control certain pollutants (designated pollutants) at existing facilities (designated facilities) whenever standards of performance have been established under section 111(b) for new sources of the same type, and EPA has established emission guidelines for such existing sources. A designated pollutant is any pollutant for which no air quality criteria have been issued, and which is not included on a list published under section 108(a) or section 112(b)(1)(A) of the CAA, but emissions of which are subject to a standard of performance for new stationary sources.

What Are the Regulatory Requirements for CISWIs?

On December 1, 2000 (65 FR 75338), EPA finalized the section 111(d) emission guidelines for existing CISWI units. The emission guidelines are codified at 40 CFR part 60, subpart DDDD.

Subpart B of 40 CFR part 60 establishes procedures to be followed and requirements to be met in the development and submission of state plans for controlling designated pollutants. Part 62 of the CFR provides the procedural framework for the submission of these plans. When designated facilities are located in a state, a state must develop and submit a plan for the control of the designated pollutant. However, 40 CFR 62.06 provides that if there are no existing sources of the designated pollutant in the state, the state may submit a letter of certification to that effect, or negative declaration, in lieu of a plan. The negative declaration exempts the state from the requirements of subpart B for that designated pollutant.

Why Is This Action Necessary?

The states of Kansas, Missouri, and Nebraska have determined there are no existing sources in their states subject to the CISWI emission guidelines (EG). Consequently, each state has submitted a letter of negative declaration certifying this fact. We are therefore announcing that these states do not have any sources subject to the EG. If at a later date such sources are identified, they will be subject to a Federal plan until a state has an approved 111(d) plan.

What Action Are We Taking in This Document?

We are processing this action as a final action because we do not anticipate any adverse comments. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision is severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state negative declarations as meeting Federal requirements and imposes no additional requirements. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves state negative declarations and does not impose any additional enforceable duty, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). For the same reason, this rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This rule will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves state negative declarations relating to a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing state plan submissions, our role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the state to use voluntary consensus standards (VCS), we have no authority to disapprove state submissions for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews state submissions, to use VCS in place of state submissions that otherwise satisfy the provisions of the CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, we have taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the Executive Order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. We will submit a report containing this rule and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 1, 2002. Filing a petition for reconsideration by the Administrator of this final rule does not affect the

finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects 40 CFR Part 62

Environmental protection, Administrative practice and procedures, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Sulfur oxides, Waste treatment and disposal.

Dated: January 14, 2002.

William Rice,

Acting Regional Administrator, Region 7.

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 62—[AMENDED]

1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart R—Kansas

2. Subpart R is amended by adding an undesignated center heading and § 62.4181 to read as follows:

Air Emissions From Existing Commercial and Industrial Solid Waste Incineration Units

§ 62.4181 Identification of plan—negative declaration.

Letter from the Kansas Department of Health and Environment submitted November 16, 2001, certifying that there are no commercial and industrial solid waste incineration units subject to 40 CFR part 60, subpart DDDD.

Subpart AA—Missouri

3. Subpart AA is amended by adding an undesignated center heading and § 62.6360 to read as follows:

Air Emissions From Existing Commercial and Industrial Solid Waste Incineration Units

§ 62.6360 Identification of plan—negative declaration.

Letter from the Missouri Department of Natural Resources submitted May 9, 2001, certifying that there are no commercial and industrial solid waste incineration units subject to 40 CFR part 60, subpart DDDD.

Subpart CC—Nebraska

4. Subpart CC is amended by adding an undesignated center heading and § 62.6916 to read as follows:

Air Emissions From Existing Commercial and Industrial Solid Waste Incineration Units

§ 62.6915 Identification of plan—negative declaration.

Letter from the Nebraska Department of Environmental Quality submitted June 8, 2001, certifying that there are no commercial and industrial solid waste incineration units subject to 40 CFR part 60, subpart DDDD.

[FR Doc. 02–2119 Filed 1–28–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[PA001–1001; FRL–7134–9]

Approval of Section 112(1) Authority for Hazardous Air Pollutants; City of Philadelphia; Department of Public Health Air Management Services

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule and delegation.

SUMMARY: EPA is taking direct final action to approve Philadelphia Department of Public Health Air Management Services's (AMS's) request for delegation of authority to implement and enforce its hazardous air pollutant regulations which have been adopted by reference from the Federal requirements set forth in the Code of Federal Regulations. This approval will automatically delegate future amendments to these regulations. For sources which are required to obtain a Clean Air Act operating permit, this delegation addresses all existing hazardous pollutant regulations. For sources which are not required to obtain a Clean Air Act operating permit, this delegation presently addresses the hazardous air pollutant regulations for perchloroethylene drycleaning facilities, hard and decorative chromium electroplating and chromium anodizing tanks, ethylene oxide sterilization facilities, halogenated solvent cleaning and secondary lead smelting. In addition, EPA is taking direct final action to approve of AMS's mechanism for receiving delegation of all future hazardous air pollutant regulations which it adopts unchanged from the Federal requirements. This mechanism entails submission of a delegation request letter to EPA following EPA notification of a new Federal requirement. EPA is not waiving its notification and reporting requirements under this approval; therefore, sources will need to send notifications and reports to both AMS and EPA. This action pertains to affected sources, as defined by the Clean Air Act's (CAA or the Act's) hazardous air pollutant program. EPA is taking this action in accordance with the CAA.

DATES: This direct final rule will be effective April 1, 2002 unless EPA receives adverse or critical comments by February 28, 2002. If adverse comment is received, EPA will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments on this action should be sent concurrently to: Makeba A. Morris, Chief, Permits and Technical Assessment Branch, Mail Code 3AP11, Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103–2029, and Morris Fine, Director, Air Management Services, Department of Public Health, City of Philadelphia, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103 and Air Management Services, Department of Public Health, City of Philadelphia, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104.

FOR FURTHER INFORMATION CONTACT: Dianne J. McNally, U.S. Environmental Protection Agency, Region 3, 1650 Arch Street (3AP11), Philadelphia, PA 19103–2029, mcnally.dianne@epa.gov (telephone 215–814–3297). Please note that any formal comments must be submitted, in writing, as provided in the **ADDRESSES** section of this document.

SUPPLEMENTARY INFORMATION:

I. Background

Section 112(l) of the Act and 40 Code of Federal Regulations (CFR) part 63, subpart E authorize EPA to approve of State rules and programs to be implemented and enforced in place of certain CAA requirements, including the National Emission Standards for Hazardous Air Pollutants set forth at 40 CFR part 63. EPA promulgated the program approval regulations on November 26, 1993 (58 FR 62262) and subsequently amended these regulations on September 14, 2000 (65 FR 55810).

An approvable State program must contain, among other criteria, the following elements:

(a) A demonstration of the state's authority and resources to implement and enforce regulations that are at least as stringent as the National Emission Standards for Hazardous Air Pollutant (NESHAP) requirements;

(b) A schedule demonstrating expeditious implementation of the regulation; and

(c) A plan that assures expeditious compliance by all sources subject to the regulation.

On March 30, 1998, AMS, through a letter from the Pennsylvania Department of Environmental Protection (PADEP), submitted to EPA a request to receive delegation of authority to implement and enforce the hazardous air pollutant regulations which have been adopted by reference from 40 CFR part 63. On May 13, 1999, PADEP submitted a copy of an Agreement for Implementation of the Philadelphia County Air Pollution Control Program between PADEP and AMS. These two submissions provided detailed information on AMS's legal and enforcement authority, resources, and implementation procedures for addressing the hazardous air pollutant regulations, among other regulations, at facilities required to obtain an operating permit under 40 CFR part 70. On August 29, 2001, AMS submitted to EPA a request to receive delegation of authority to implement and enforce the hazardous air pollutant regulations for perchloroethylene drycleaning facilities, hard and decorative chromium electroplating and chromium anodizing tanks, ethylene oxide sterilization facilities, halogenated solvent cleaning and secondary lead smelting which have been adopted by reference from 40 CFR part 63, subparts M, N, O, T and X, respectively. In this August 29, 2001 request, AMS also asked that EPA automatically delegate future amendments to these specific regulations and approve AMS's mechanism for receiving delegation of all future hazardous air pollutant regulations which it adopts unchanged from the Federal requirements. This mechanism entails submission of a delegation request letter to EPA following EPA notification of a new Federal requirement.

II. EPA's Analysis of AMS's Submittal

Based on AMS's program approval request and its pertinent laws and regulations, EPA has determined that such an approval is appropriate in that AMS has satisfied the criteria of 40 CFR 63.91. In accordance with 40 CFR 63.91(d)(3)(i), AMS submitted two written findings by the City Solicitor which demonstrate that AMS has the necessary legal authority to implement and enforce its regulations, including the enforcement authorities which meet 40 CFR 70.11, the authority to request information from regulated sources and the authority to inspect sources and records to determine compliance status. In accordance with 40 CFR 63.91(d)(3)(ii), AMS submitted copies of its statutes, regulations and requirements that grant authority to AMS to implement and enforce the regulations. In accordance with 40 CFR 63.91(d)(3)(iii)–(v), AMS submitted documentation of adequate resources and a schedule and plan to assure expeditious City implementation and compliance by all sources. Therefore, the AMS program has adequate and effective authorities, resources, and procedures in place for implementation and enforcement of the emission standards of 40 CFR part 63 at sources required to obtain an operating permit under 40 CFR part 70 and the emission standards of 40 CFR part 63, subparts M, N, O, T and X at sources which are not required to obtain an operating permit under 40 CFR part 70. In addition, the AMS program has adequate and effective authorities, resources and procedures in place for implementation and enforcement of any future emission standards, should AMS seek delegation for these standards. The AMS automatically adopts the emission standards promulgated in 40 CFR part 63 into its permitting program under Philadelphia Code 3–401 and Air Management Regulation I Section IX pursuant to section 6.6(a) of the Pennsylvania Air Pollution Control Act, 35 P.S. 4006.6(a) and 25 Pa. Code 127.35. The AMS has the primary authority and responsibility to carry out all elements of these programs for all sources covered in Philadelphia, including on-site inspections, record keeping reviews, and enforcement.

III. Terms of Program Approval and Delegation of Authority

In order for AMS to receive automatic delegation of future amendments to the hazardous air pollutant regulations, as they apply to facilities required to obtain a permit under 40 CFR part 70, and to the hazardous air pollutant regulations for perchloroethylene drycleaning facilities, hard and decorative chromium electroplating and chromium anodizing tanks, ethylene oxide sterilization facilities, halogenated solvent cleaning and secondary lead smelting emission standards, as they apply to facilities not required to obtain a permit under 40 CFR part 70, each amendment must be legally adopted by the City of Philadelphia. As stated earlier, these amendments are automatically adopted into AMS's permitting program under Philadelphia Code 3–401 and Air Management Regulation I Section IX pursuant to section 6.6(a) of the Pennsylvania Air Pollution Control Act, 35 P.S. 4006.6(a) and 25 Pa. Code 127.35. The delegation of amendments to these rules will be finalized on the effective date of the legal adoption.

EPA has also determined that AMS's mechanism for receiving delegation of future hazardous air pollutant regulations, which it adopts unchanged from the Federal requirements, can be approved. This mechanism requires AMS to submit a delegation request letter to EPA following EPA notification of a new Federal requirement. EPA will grant the delegation request, if appropriate, by sending a letter to AMS outlining the authority to implement and enforce the standard. The delegation will be finalized within 10 days of receipt of the delegation letter unless AMS files a negative response. The official notice of delegation of additional emission standards will be published in the **Federal Register.**

The notification and reporting provisions in 40 CFR part 63 requiring the owners or operators of affected sources to make submissions to the Administrator shall be met by sending such submissions to AMS and EPA Region III. If at any time there is a conflict between a AMS regulation and a Federal regulation, the Federal regulation must be applied if it is more stringent than that of AMS. EPA is responsible for determining stringency between conflicting regulations. If AMS does not have the authority to enforce the more stringent Federal regulation, it shall notify EPA Region III in writing as soon as possible, so that this portion of the delegation may be revoked.

If EPA determines that AMS's procedure for enforcing or implementing the 40 CFR part 63 requirements is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part in accordance with the procedures set out in 40 CFR 63.96(b).

Certain provisions of 40 CFR part 63 allow only the Administrator of EPA to take further standard setting actions. In addition to the specific authorities retained by the Administrator in 40 CFR 63.90(d) and the ''Delegation of Authorities'' section for specific standards, EPA Region III is retaining the following authorities, in accordance with 40 CFR 63.91(g)(2)(ii):

(1) approval of alternative non-opacity emission standards, *e.g.,* 40 CFR 63.6(g) and applicable sections of relevant standards;

(2) approval of alternative opacity standards, *e.g.,* 40 CFR 63.9(h)(9) and applicable sections of relevant standards;

(3) approval of major alternatives to test methods, as defined in 40 CFR 63.90(a), *e.g.,* 40 CFR 63.7(e)(2)(ii) and (f) and applicable sections of relevant standards;

(4) approval of major alternatives to monitoring, as defined in 40 CFR 63.90(a), *e.g.,* 40 CFR 63.8(f) and applicable sections of relevant standards; and

(5) approval of major alternatives to recordkeeping and reporting, as defined in 40 CFR 63.90(a), *e.g.*, 40 CFR 63.10(f) and applicable sections of relevant standards.

The following provisions are included in this delegation, in accordance with 40 CFR 63.91(g)(1)(i), and can only be exercised on a case-by-case basis. When any of these authorities are exercised, AMS must notify EPA Region III in writing:

(1) applicability determinations for sources during the title V permitting process and as sought by an owner/operator of an affected source through a formal, written request, *e.g.*, 40 CFR 63.1 and applicable sections of relevant standards; [1]

(2) responsibility for determining compliance with operation and maintenance requirements, *e.g.*, 40 CFR 63.6(e) and applicable sections of relevant standards;

(3) responsibility for determining compliance with non-opacity standards, *e.g.*, 40 CFR 63.6(f) and applicable sections of relevant standards;

(4) responsibility for determining compliance with opacity and visible emission standards, *e.g.*, 40 CFR 63.6(h) and applicable sections of relevant standards;

(5) approval of site-specific test plans, [2] *e.g.*, 40 CFR 63.7(c)(2)(i) and (d) and applicable sections of relevant standards;

(6) approval of minor alternatives to test methods, as defined in 40 CFR 63.90(a), *e.g.*, 40 CFR 63.7(e)(2)(i) and applicable sections of relevant standards;

(7) approval of intermediate alternatives to test methods, as defined in 40 CFR 63.90(a), *e.g.*, 40 CFR 63.7(e)(2)(ii) and (f) and applicable sections of relevant standards;

(8) approval of shorter sampling times/volumes when necessitated by process variables and other factors, *e.g.*, 40 CFR 63.7(e)(2)(iii) and applicable sections of relevant standards;

(9) waiver of performance testing, *e.g.*, 40 CFR 63.7 (e)(2)(iv), (h)(2), and (h)(3) and applicable sections of relevant standards;

(10) approval of site-specific performance evaluation (monitoring) plans [3], *e.g.*, 40 CFR 63.8(c)(1) and (e)(1) and applicable sections of relevant standards;

(11) approval of minor alternatives to monitoring methods, as defined in 40 CFR 63.90(a), *e.g.*, 40 CFR 63.8(f) and applicable sections of relevant standards;

(12) approval of intermediate alternatives to monitoring methods, as defined in 40 CFR 63.90(a), *e.g.*, 40 CFR 63.8(f) and applicable sections of relevant standards;

(13) approval of adjustments to time periods for submitting reports, *e.g.*, 40 CFR 63.9 and 63.10 and applicable sections of relevant standards; and

(14) approval of minor alternatives to recordkeeping and reporting, as defined in 40 CFR 63.90(a), *e.g.*, 40 CFR 63.10(f) and applicable sections of relevant standards.

As required, AMS and EPA Region III will provide the necessary written, verbal and/or electronic notification to ensure that each agency is fully informed regarding the interpretation of applicable regulations in 40 CFR part 63. In instances where there is a conflict between a AMS interpretation and a Federal interpretation of applicable regulations in 40 CFR part 63, the Federal interpretation must be applied if it is more stringent than that of AMS. Written, verbal and/or electronic notification will also be used to ensure that each agency is informed of the compliance status of affected sources in Philadelphia. The AMS will comply with all of the requirements of 40 CFR 63.91(g)(1)(ii). Quarterly reports will be submitted to EPA by AMS to identify sources determined to be applicable during that quarter.

Although AMS has primary authority and responsibility to implement and enforce the hazardous air pollutant regulations, nothing shall preclude, limit, or interfere with the authority of EPA to exercise its enforcement, investigatory, and information gathering authorities concerning this part of the Act.

IV. Final Action

EPA is approving AMS's request for delegation of authority to implement and enforce its hazardous air pollutant emission standards which have been adopted by reference from the Federal requirements set forth in 40 CFR part 63. This approval will automatically delegate future amendments to these regulations. For sources which are required to obtain an operating permit under 40 CFR part 70, this delegation addresses all existing hazardous pollutant emission standards as adopted by reference from 40 CFR part 63. For sources which are not required to obtain an operating permit under 40 CFR part 70, this delegation presently addresses the hazardous air pollutant regulations for perchloroethylene drycleaning facilities, hard and decorative chromium electroplating and chromium anodizing tanks, ethylene oxide sterilization facilities, halogenated solvent cleaning and secondary lead smelting as adopted by reference from 40 CFR part 63, subparts M, N, O, T and X. In addition, EPA is approving of AMS's mechanism for receiving delegation of all future hazardous air pollutant regulations which it adopts unchanged from the Federal requirements. This mechanism entails submission of a delegation request letter to EPA following EPA notification of a new Federal requirement. The delegation of authority shall be administered in accordance with the terms outlined in section IV., above. This delegation of authority is codified in 40 CFR 63.99. In addition, EPA Region III's address is corrected in 40 CFR 63.13.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial rule and anticipates no adverse comment because AMS's request for delegation of

[1] Applicability determinations are considered to be nationally significant when they:

(i) are unusually complex or controversial;

(ii) have bearing on more than one state or are multi-Regional;

(iii) appear to create a conflict with previous policy or determinations;

(iv) are a legal issue which has not been previously considered; or

(v) raise new policy questions and shall be forwarded to EPA Region III prior to finalization.

Detailed information on the applicability determination process may be found in EPA document 305–B–99–004 *How to Review and Issue Clean Air Act Applicability Determinations and Alternative Monitoring*, dated February 1999. The AMS may also refer to the Compendium of Applicability Determinations issued by the EPA and may contact EPA Region III for guidance.

[2] The AMS will notify EPA of these approvals on a quarterly basis for submitting a copy of the test plan approval letter. Any plans which propose major alternative test methods or major alternative monitoring methods shall be referred to EPA for approval.

[3] The AMS will notify EPA of these approvals on a quarterly basis by submitting a copy of the performance evaluation plan approval letter. Any plans which propose major alternative test methods or major alternative monitoring methods shall be referred to EPA for approval.

the hazardous air pollutant regulations and its request for automatic delegation of future amendments to these rules and future standards, when specifically identified, does not alter the stringency of these regulations and is in accordance with all program approval regulations. However, in the ''Proposed Rules'' section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve of AMS's request for delegation if adverse comments are filed. This rule will be effective on April 1, 2002 without further notice unless EPA receives adverse comment by February 28, 2002. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

V. Administrative Requirements

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant. In reviewing requests for rule approval under CAA section 112, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove requests for rule approval under CAA section 112 for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a request for rule approval under CAA section 112, to use VCS in place of a request for rule approval under CAA section 112 that otherwise satisfies the provisions of the CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings' issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 1, 2002. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action, pertaining to the approval of AMS's delegation of authority for the hazardous air pollutant emission standards (CAA section 112), may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects 40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control , Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: January 22, 2002

Judith M. Katz,

Director, Air Protection Division, Region III.

40 CFR part 63 is amended as follows:

PART 63—[AMENDED]

1. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 7401, et. seq.

2. Section 63.13 is amended by correcting the address for EPA Region III as follows:

§ 63.13 Addresses of State air pollution control agencies and EPA Regional Offices.

(a) * * *

EPA Region III (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia), Director, Air Protection Division, 1650 Arch Street, Philadelphia, PA 19103. * * *

Subpart E—Approval of State Programs and Delegation of Federal Authorities

3. Section 63.99 is amended by adding paragraph (a)(38)(iii) to read as follows:

§ 63.99 Delegated Federal Authorities.

(a) * * *

(38) * * *

(iii) Philadelphia is delegated the authority to implement and enforce all existing 40 CFR part 63 standards and all future unchanged 40 CFR part 63 standards, if delegation is requested by the City of Philadelphia Department of Public Health Air Management Services and approved by EPA Region III, at sources within the City of Philadelphia, in accordance with the final rule, dated January 29, 2002, effective April 1, 2002, and any mutually acceptable amendments to the terms described in the direct final rule.

[FR Doc. 02–2121 Filed 1–28–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[FRL–7130–7]

RIN 2060–AG12

Protection of Stratospheric Ozone: Removal of Restrictions on Certain Fire Suppression Substitutes for Ozone-Depleting Substances; and Listing of Substitutes

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to remove restrictions previously imposed on the use of certain substitutes for ozone-depleting substances (ODSs) under the Significant New Alternatives Policy (SNAP) program. Specifically, EPA is rescinding use conditions imposed under the SNAP program that limit human exposure to halocarbon and inert gas agents used in the fire suppression and explosion protection industry. These use conditions are redundant with safety standards that have since been established by the National Fire Protection Association (NFPA). These halocarbon and inert gas agents will now either be acceptable or acceptable subject to narrowed use limits, depending on the specific agent.

Today, EPA is also taking direct final action to change the listing from acceptable, subject to use conditions, to unacceptable, for a fire suppressant which the manufacturer has withdrawn from the market because of concerns about fetal toxicity; add a substitute to the SNAP list of acceptable substitutes with narrowed use limits in the fire suppression and explosion protection sector; and change a listing decision to remove a restriction from one substitute and to make it an acceptable agent for fire suppression and explosion protection, without use conditions or narrowed use limits. EPA is issuing a companion proposal to this direct final rule elsewhere in today's **Federal Register**. If we receive any adverse comments in response to an amendment, table, or table entry of the rule, EPA will withdraw those amendments, tables, or table entries of this direct final action and will consider and respond to any comments prior to taking any new, final action.

DATES: This rule is effective on April 1, 2002 without further notice, unless EPA receives adverse comment or receives a request for a public hearing by February 28, 2002. If we receive adverse comment or a request for a public hearing, we will publish a timely withdrawal in the **Federal Register** informing the public that all or amendments, tables, or table entries of this rule will not take effect.

ADDRESSES: Send your comments and data specific to this final rule to Docket A–91–42, U.S. Environmental Protection Agency, OAR Docket and Information Center, 1200 Pennsylvania Avenue NW., Mail Code 6102, Washington, DC 20460. The docket is physically located at 401 M Street, SW., Room M–1500. You may inspect the docket between 8 a.m. and 5:30 p.m. on weekdays. Telephone (202) 260–7548; fax (202) 260–4400. As provided in 40 CFR part 2, a reasonable fee may be charged for photocopying. To expedite review, send a second copy of your comments directly to Margaret Sheppard at the address listed below under For Further Information. Information designated as Confidential Business Information (CBI) under 40 CFR, part 2, Subpart 2, must be sent directly to the contact person for this notice. However, the Agency is requesting that all respondents submit a non-confidential version of their comments to the docket as well.

FOR FURTHER INFORMATION CONTACT: Margaret Sheppard at (202) 564–9163 or fax (202) 565–2155, U.S. Environmental Protection Agency, Global Programs Division, Mail Code 6205J, Washington, DC 20460. Overnight or courier deliveries should be sent to the office location at 501 3rd Street, NW., 4th floor; Washington, DC 20001. Also contact the Stratospheric Protection Hotline at (800) 296–1996 and EPA's Ozone Depletion World Wide Web site at *''http://www.epa.gov/ozone/title6/snap/''*.

SUPPLEMENTARY INFORMATION: In this direct final rule, EPA is removing, or in some cases, modifying, restrictions that were imposed on the use of certain substitutes for ODSs under the SNAP program in the fire suppression and explosion protection industry sector. Today's action also adds a fire suppression agent to the list of acceptable substitutes, subject to narrowed use limits. The regulations implementing the SNAP program are codified at 40 CFR part 82, subpart G. The appendices to subpart G list substitutes for ODSs that have had restrictions imposed on their use. The revisions in this direct final rule modify the appendices to subpart G.

EPA is publishing today's revisions to the SNAP lists without prior proposal because the Agency views them as non-controversial and anticipates no adverse comment. The most significant position of this rule is to simply remove restrictions that are now duplicative of standards of the National Fire Protection Association (NFPA). In addition, we are adding a new agent to the list of acceptable substitutes, subject to narrowed use limits, and changing the listing from acceptable, subject to use conditions, to unacceptable for an agent that is no longer sold or produced because of fetal toxicity and a high ozone depletion potential. This action does not place any significant new burden on the regulated community. Rather, it removes mandatory conditions on use of certain substitutes under the SNAP program while encouraging voluntary compliance with NFPA's 2001 Standard. For the only part of the action creating further restrictions, it is our understanding that the agent we are listing as unacceptable is not currently being used; thus, it should not add significantly to regulatory burden. Today's action decreases the regulatory burden on the fire protection community while continuing to protect human health and the environment. Members of the fire protection community participate on NFPA's technical committee that is responsible for developing and updating the 2001 standard and adhere to the standards set by NFPA. For these reasons, EPA anticipates that this action will be welcomed.

However, in the ''Proposed Rules'' section of today's **Federal Register** publication, EPA is publishing a

companion proposed rule that proposes the same actions as this direct final rule. The direct final rule will be effective on April 1, 2002 without further notice unless we receive adverse comment (or a request for a public hearing) by February 28, 2002. If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that all or amendments, tables, or table entries of this rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second public comment period on this action. Any parties interested in commenting must do so at this time.

You may claim that information in your comments is confidential business information, as allowed by 40 CFR part 2. If you submit comments and include information that you claim as confidential business information, we request that you submit them directly to Margaret Sheppard in two versions: one clearly marked ''Public'' to be filed in the public docket, and the other marked ''Confidential'' to be reviewed by authorized government personnel only.

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I. The Significant New Alternatives Policy (SNAP) Program and How It Works

A. What Are the Statutory Requirements and Authority for the SNAP Program?

Section 612 of the Clean Air Act (CAA) authorizes EPA to develop a program for evaluating alternatives to ozone-depleting substances. EPA refers to this program as the Significant New Alternatives Policy (SNAP) program. The major provisions of section 612 are:

- *Rulemaking*—Section 612(c) requires EPA to promulgate rules making it unlawful to replace any class I (chlorofluorocarbon, halon, carbon tetrachloride, methyl chloroform, methyl bromide, and hydrobromofluorocarbon) or class II (hydrochlorofluorocarbon) substance with any substitute that the Administrator determines may present adverse effects to human health or the environment where the Administrator has identified an alternative that (1) reduces the overall risk to human health and the environment, and (2) is currently or potentially available.
- *Listing of Unacceptable/Acceptable Substitutes*—Section 612(c) also requires EPA to publish a list of the substitutes unacceptable for specific uses. EPA must publish a corresponding list of acceptable alternatives for specific uses.
- *Petition Process*—Section 612(d) grants the right to any person to petition EPA to add a substitute to or delete a substitute from the lists published in accordance with section 612(c). The Agency has 90 days to grant or deny a petition. Where the Agency grants the petition, EPA must publish the revised lists within an additional six months.
- *90-day Notification*—Section 612(e) requires EPA to require any person who produces a chemical substitute for a class I substance to notify the Agency not less than 90 days before new or existing chemicals are introduced into interstate commerce for significant new uses as substitutes for a class I substance. The producer must also provide the Agency with the producer's health and safety studies on such substitutes.
- *Outreach*—Section 612(b)(1) states that the Administrator shall seek to maximize the use of federal research facilities and resources to assist users of class I and II substances in identifying and developing alternatives to the use of such substances in key commercial applications.
- *Clearinghouse*—Section 612(b)(4) requires the Agency to set up a public clearinghouse of alternative chemicals, product substitutes, and alternative manufacturing processes that are available for products and manufacturing processes which use class I and II substances.

B. How Do the Regulations for the SNAP Program Work?

On March 18, 1994, EPA published the original rulemaking (59 FR 13044) that described the process for administering the SNAP program and issued EPA's first acceptability lists for substitutes in the major industrial use sectors. These sectors include: refrigeration and air conditioning; foam blowing; solvents cleaning; fire suppression and explosion protection; sterilants; aerosols; adhesives, coatings and inks; and tobacco expansion. These sectors comprise the principal industrial sectors that historically consumed large volumes of ozone-depleting substances.

Anyone who produces a substitute for an ODS must provide the Agency with health and safety studies on the substitute at least 90 days before introducing it into interstate commerce for significant new use as an alternative. This requirement applies to chemical manufacturers, but may include importers, formulators or end-users when they are responsible for introducing a substitute into commerce.

The Agency has identified four possible decision categories for substitutes: acceptable; acceptable subject to use conditions; acceptable subject to narrowed use limits; and unacceptable. Use conditions and narrowed use limits are both considered ''use restrictions'' and are explained below. Substitutes that are deemed acceptable with no use restrictions (no use conditions or narrowed use limits) can be used for all applications within the relevant sector end-use. Substitutes that are acceptable subject to use restrictions may be used only in accordance with such restrictions. It is illegal to replace an ODS with a substitute listed as unacceptable.

After reviewing a substitute, the Agency may make a determination that a substitute is acceptable only if certain conditions of use are met to minimize risk to human health and the environment. Such substitutes are described as ''acceptable subject to use conditions.'' Use of such substitutes without meeting associated use conditions renders these substitutes unacceptable and subjects the user to enforcement for violation of section 612 of the Clean Air Act.

For some substitutes the Agency may permit a narrowed range of use within a sector (that is, the Agency may limit the use of a substitute to certain end-uses or specific applications within an

industry sector), to allow agents to be used in specific uses that would otherwise be deemed unacceptable. Such substitutes are described as ''acceptable subject to narrowed use limits.'' Users intending to adopt a substitute that is acceptable subject to narrowed use limits must ascertain that other acceptable alternatives are not technically feasible. Users must document the results of their evaluation, and retain the results on file for the purpose of demonstrating compliance. This documentation shall include descriptions of substitutes examined and rejected, processes or products in which the substitute is needed, reason for rejection of other alternatives (for example, performance, technical or safety standards), and the anticipated date other substitutes will be available and projected time for switching to other available substitutes. Use of such substitutes in applications and end-uses which are not specified as acceptable in the narrowed use limit renders these substitutes unacceptable.

The Agency publishes its SNAP program decisions in the **Federal Register**. For those substitutes that are deemed acceptable subject to use restrictions (use conditions and/or narrowed use limits), or for substitutes deemed unacceptable, EPA first publishes these decisions as proposals to allow the public opportunity to comment, and final decisions are published as final rulemakings. In contrast, substitutes that are deemed acceptable with no restrictions are published as ''notices of acceptability'', rather than as proposed and final rules. As described in the rule implementing the SNAP program (59 FR 13044), EPA does not believe that rulemaking procedures are necessary to list alternatives that are acceptable without restrictions because such listings neither impose any sanction nor remove any prior license to use a substitute.

Many SNAP listings include statements in the column labelled ''Further Information'' (or in earlier listings, ''Comments''). These comments provide additional information on substitutes determined to be either unacceptable, acceptable subject to narrowed use limits, or acceptable subject to use conditions. Since these statements are not part of the regulatory decision, they are not mandatory for use of a substitute unless they specifically reference regulatory requirements. Nor should the information be considered comprehensive with respect to other legal obligations pertaining to the use of the substitute. However, EPA encourages users of substitutes to apply all this information in their application of these substitutes, regardless of any regulatory requirements. In many instances, the information simply refers to sound operating practices that have already been identified in existing industry and/or building-code standards. Thus, many of the statements, if adopted, would not require significant changes in existing operating practices for the affected industry.

C. Where Can I Get Additional Information About the SNAP Program?

For copies of the comprehensive SNAP lists or additional information on SNAP, contact the Stratospheric Protection Hotline at (800) 296–1996, Monday-Friday, between the hours of 10 a.m. and 4 p.m. (EST). For more information on the Agency's process for administering the SNAP program or criteria for evaluation of substitutes, refer to the SNAP final rulemaking published in the **Federal Register** on March 18, 1994 (59 FR 13044), and see also the Code of Federal Regulations at 40 CFR part 82, subpart G. You can find a complete chronology of SNAP decisions and the appropriate **Federal Register** citations at EPA's Ozone Depletion World Wide Web site at *http://www.epa.gov/ozone/title6/snap/chron.html.*

II. Today's Regulatory Action

A. How Are ODSs and Their Substitutes Used in the Fire Suppression and Explosion Protection Industry Sector?

Substitutes for halons in the fire suppression and explosion protection industry are classified as either total flooding agents or streaming agents under the SNAP program. Today's action removes or modifies restrictions pertaining to workplace exposures on certain substitutes used as total flooding agents.

A total flooding fire protection system can be defined as ''a system consisting of an agent supply and distribution network designed to achieve a total flooding condition in a hazard volume,'' when total flooding is defined as ''the act and manner of discharging an agent for the purpose of achieving a specified minimum agent concentration throughout a hazard volume'' (National Fire Protection Association 2001 Standard for Clean Agent Fire Extinguishing Systems, 2000 Edition).

1. How Does the SNAP Program Assess Risk for Total Flooding Agents?

Beginning with the original SNAP rulemaking (March 18, 1994, 59 FR 13044) and continuing in subsequent rulemakings, EPA has listed several halocarbon and inert gas agents as acceptable substitutes for halons as total flooding agents. However, because of health risks associated with exposures at elevated concentrations of these agents, the acceptability decisions for halocarbon and inert gas agents were made subject to use conditions that are intended to limit human exposure to these agents.

For halocarbon agents, the health effect of concern is cardiac sensitization (an increase in the sensitivity of the heart to adrenaline). The use conditions for halocarbon substitutes under the SNAP program are based on the no observed adverse effect level (NOAEL) and lowest observed adverse effect level (LOAEL) for cardiac sensitization. See 59 FR 13098 (March 18, 1994).

For inert gas agents, the human health effect of concern is reduction of oxygen to potentially unsafe levels. The use conditions under the SNAP program for inert gas substitutes are based on minimum oxygen levels associated with use of the agent. See 59 FR 13098 (March 18, 1994).

In establishing standards for safe use of halocarbon total flooding alternatives, EPA based exposure limits on available animal toxicological data and established exposure times to be consistent with the exposure limits for halon 1301 in the Occupational Safety and Health Administration's (OSHA) standard on fixed fire suppression equipment (see 29 CFR 1910, subpart L sections 1910.162 and 1910.160). Section 1910.162 limits workers' exposure to halon 1301 by linking percent agent concentration in air with the length of time required to safely leave an area (the egress time). EPA developed standards for safe use of halocarbons that link percent concentration in air of the agent (based on the cardiac sensitization NOAEL and LOAEL as determined by animal testing) with egress times.

In establishing standards for safe use of inert gases used as alternatives to halons for total flooding applications, EPA linked minimum oxygen concentration in air with egress times. This is similar to the approach for setting exposure limits for halocarbon agents. For inert gases, we used 12% and 10% oxygen as functional equivalents of the NOAEL and LOAEL, respectively. See 59 FR 13108 and 13142 (March 18, 1994) and 61 FR 25588–25590 (May 22, 1996).

2. How Does the National Fire Protection Association Set Safety Standards for Total Flooding Agents?

The National Fire Protection Association (NFPA) is an independent,

voluntary membership, non-profit international organization that is dedicated to reducing the burden of fire on the quality of life by advocating scientifically-based consensus codes and standards, research, and education for fire and related safety issues. NFPA codes and standards are developed through a consensus process accredited by the American National Standards Institute (ANSI). NFPA codes and standards are used by the fire protection community throughout the United States and the world, and are widely used as a basis for legislation and regulation at all levels of government, from local to international.

Since 1896, the NFPA has been developing and updating scientifically based consensus codes and standards concerning all areas of fire safety. There are currently more than 300 NFPA fire codes and standards in use. Examples include NFPA 10 on Portable Extinguishers, NFPA 12 on Carbon Dioxide Systems, and NFPA 12A on Halon 1301 Systems. These standards allow for safe use of fire protection agents and systems.

NFPA codes and standards are developed and updated through an open, consensus-based process involving thousands of volunteers with technical expertise in a wide range of areas. Volunteers come from the fire services, educational institutions, businesses, insurance companies, industry, labor, consumers, and governing agencies. Any person can submit a proposal to NFPA for a new document or to update an existing one. Various technical committees, made up of volunteers representing a balance of different interests, are assigned to each project. The technical committee develops an initial draft of the project, and issues public notices asking for proposals to include in the document. The committee meets to consider all proposals on a project, and the proposals and the committee's action on them are published and made widely available to the public. Anyone may attend the committee meetings, and address technical committees. If a committee votes to approve their action on the proposals, a 60-day public comment period begins, after which the committee meets again to act on the comments (again anyone may attend the meeting and address the committee). If the committee votes to approve the comments, a report on the comments is published and is made available to anyone for review. The proposals and comments are then submitted for open debate at either of NFPA's twice annual Association meetings. Anyone (regardless of whether they are an NFPA member or not) can present their views on the proposal and comments at the annual meetings. After deliberation, the NFPA membership votes to either approve, amend, or return portions or the entire document to the technical committee. The technical committee then votes on any amendments to the document that were made at the NFPA Association meeting. Any person can file an appeal to NFPA if they are dissatisfied with actions taken during the development of codes and standards.

Building codes (or other local codes) specify requirements for fire protection systems based on the specific level of fire hazard present. These codes apply to the design, installation and operation of the fire protection system and assign the approval authority (or ''authority having jurisdiction,'' AHJ) that is responsible for determining that all systems installed meet the codes. The design and installation requirements for individual systems are based on compliance with applicable NFPA standards. NFPA standards apply to the fire protection agents, and the equipment and devices that make up the entire fire protection system. NFPA standards establish applicability of fire protection agents in particular system applications, and require that all equipment and devices used in a system be listed by a third party organization that is acceptable to the approval authority and is concerned with product evaluation. (''Listed'' means ''Equipment, materials or services included in a list published by an organization that is acceptable to the authority having jurisdiction and concerned with evaluation of products or services, that maintains periodic inspection of production of listed equipment or materials or periodic evaluation of services, and whose listing states that either the equipment, material, or service meets appropriate designated standards or has been tested and found suitable for a specified purpose.'' National Fire Protection Association 2001 Standard for Clean Agent Fire Extinguishing Systems, 2000 Edition)

At the time that EPA developed the original SNAP rule, neither a relevant regulatory agency (for example, OSHA) nor a voluntary consensus standard setting body (for example, NFPA) had yet established use conditions that would adequately limit human exposure to alternatives to halons used as total flooding agents, nor had they established a procedure for determining use conditions. Thus, we developed exposure criteria under the SNAP program to allow for safe use of these alternative agents (that is, halocarbon and inert gas agents) in the interim. In the original SNAP rule, EPA established use conditions to allow halocarbon and inert gas alternative agents to be safely used and to facilitate the transition from use of halon 1301 to these agents. *See* 59 FR 13102 and 13139 through 13143 (March 18, 1994).

As halocarbon and inert gas total flooding alternatives were being developed to replace halon 1301, NFPA began work on a voluntary consensus standard to address design, installation, maintenance and operation of systems using these alternatives. The resulting standard, first published February 11, 1994, is called NFPA 2001 Standard on Clean Agent Fire Extinguishing Systems. The NFPA 2001 Standard is approved by the American National Standards Institute. The NFPA technical committee that developed and updates the 2001 standard is the Technical Committee on Alternative Protection Options to Halon.

NFPA 2001 established use conditions designed to limit human exposure to the alternative total flooding agents. The original NFPA 2001 Standard restricted use of agents to areas that are not normally occupied, if used in concentrations exceeding the NOAEL concentration. Concentrations less than the NOAEL were allowed in areas that are normally occupied. However, these earlier versions of the NFPA standard did not set limits on the duration of exposure at concentrations less than the NOAEL, and did not establish egress times. Thus, the February 11, 1994 version of the standard did not include as much protection for human health as the March 18, 1994 final SNAP rule. Only the most recent revision to NFPA 2001 established standard egress times consistent with OSHA requirements and the SNAP use conditions.

The latest edition of NFPA 2001 was published in March 2000 (NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems 2000 Edition). This most recent version of the standard includes the following revisions to the exposure limits and times for halocarbon and inert gas agents:

- For *halocarbon agents*, the NFPA 2001 Standard has been revised to adopt the use of a physiologically-based pharmacokinetic (PBPK) model to establish limits on exposure concentrations and times. Use of the PBPK model is a more precise method of determining safe human exposure concentrations and times than the method contained in previous editions of NFPA 2001 and EPA's SNAP listings.

• For *inert gas agents*, the NFPA 2001 Standard has been revised to adopt the findings of an expert panel on health effects of hypoxic (low oxygen) atmospheres. This expert panel was convened by EPA to re-evaluate egress times for inert gas agents using the latest technical information. Based on the expert panel's findings, the egress times in the NFPA 2001 Standard were revised.

The latest NFPA 2001 Standard is based on the most current scientific information and procedures for assessing risks associated with the use of halocarbon and inert gas fire suppression agents. NFPA's 2001 Standard for Clean Agent Fire Extinguishing Systems is now the basis for regulation of halon replacement systems throughout North America and is also widely used in other parts of the world. Based on these developments, EPA has concluded that NFPA has established a standard that:

(1) Adequately addresses safe exposure limits and times for halocarbon and inert gas agents;

(2) Takes into account the latest science and;

(3) Is more up-to-date than the SNAP exposure limits and egress times for these agents. Thus, we believe that there now exists a standard industry procedure with a scientific basis to establish exposure levels and egress times and that the use conditions required by the SNAP program, which establish exposure levels and egress times for these agents, are redundant and should be rescinded.

B. How Is EPA Changing the SNAP Program's Existing Substitute Listings for Fire Suppression and Explosion Protection To Coordinate With the NFPA 2001 Standard?

Today EPA is rescinding the SNAP use conditions that limit human exposure to halocarbon and inert gas total flooding alternatives, and is instead referring to the latest NFPA 2001 Standard for safe use of these agents. EPA originally established exposure limits and egress times for these alternatives to allow for their safe use in the absence of existing standards that addressed these issues. In setting those conditions, EPA did not intend to preempt other regulatory authorities or standard-setting bodies from establishing exposure levels for these agents. In fact, as stated in the proposal for the original SNAP rule (58 FR 28098; May 12, 1993), EPA intended only to fill regulatory gaps until other controls or standards were developed; we intended to rescind any conditions that became redundant or irrelevant once such gaps were filled.

EPA has worked with NFPA on development of each edition of the 2001 standard, including the latest revisions, and plans to work with NFPA on future editions. Rather than modifying SNAP exposure limits and times to reflect the same changes as are in the latest NFPA 2001 Standard, EPA is rescinding the SNAP exposure limits and times and is instead deferring to NFPA 2001, as the appropriate American national industry standard.

Although EPA is removing use conditions on the use of halocarbon and inert gas alternatives, we believe that the fire protection community will continue to use these agents safely because the NFPA 2001 Standard establishes exposure limits and times for safe use of these agents. EPA believes that by rescinding the SNAP regulation's use conditions for halocarbon and inert gas agents, these agents will be used more efficiently for the following two reasons:

(1) The fire protection industry is familiar with NFPA standards and is accustomed to using the 2001 Standard in design, installation and use of systems with these agents, and will now only have to look to one source (the 2001 Standard) to determine conditions for safe use instead of looking to both the 2001 Standard and SNAP's exposure limits and times; and

(2) The recent revisions to the halocarbon exposure limits and times in NFPA 2001 (that is, incorporating use of PBPK model data to set concentrations and times) allow for more efficient use of the agents themselves. They allow for safe use of optimal concentrations of agents designed to extinguish a fire more quickly and thus reduce the development of hazardous breakdown products as the agents themselves are exposed to fire.

Relying on NFPA's 2001 Standard for the establishment of safe exposure limits and times for halocarbon and inert gas alternatives is consistent with the government's goal of adopting voluntary consensus standards where appropriate. EPA has served and plans to continue to participate in NFPA's Technical Committee on Halon Alternative Protection Options, the committee responsible for development of the 2001 Standard, in keeping with the government's goal of Federal agency participation in the development of voluntary consensus standards. These goals are outlined in Office of Management and Budget (OMB) Circular No. A–119 on Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities.

EPA is rescinding SNAP use conditions that limit human exposure to halocarbon and inert gases used as substitutes for halons in the total flooding end use because we believe the NFPA standard will provide necessary protection for human health and the environment. As required by section 612 of the Clean Air Act, the SNAP program will continue to: review halon alternatives to ensure that they reduce overall risks to human health and the environment; publish lists of acceptable and unacceptable substitutes; and prohibit the use of any substitute that may present adverse effects to human health or the environment (where EPA has identified an alternative that reduces overall risk and is currently or potentially available). In the future, we expect to defer to the NFPA and other standard-setting bodies where they establish appropriate voluntary consensus standards that are accepted and followed by the relevant industry.

As a result of our decision to rescind the use conditions described above, EPA is revising the SNAP listings for halocarbon and inert gas alternatives to include the following comment, ''Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems.'' In the edition of NFPA 2001 that was published in March 2000, safety guidelines for halocarbon and inert gas agents are found in section 1–6, entitled ''Safety.''

As described below under the heading ''How Do the Regulations for SNAP Program Work?'', the SNAP program includes four possible listing decisions. An alternative may be listed as: (1) Acceptable with no restrictions; (2) acceptable with use conditions; (3) acceptable with narrowed use limits; or (4) unacceptable. Use conditions and narrowed use limits are two different types of regulatory restrictions that affect use of alternatives. Use conditions govern how an alternative may be used (for example, establishing maximum concentrations and times that people may be exposed to an agent). In contrast, narrowed use limits govern where an alternative may be used (for example, restricting use of an agent to nonresidential uses only).

Each of the inert gas agents previously listed as acceptable total flooding agents under SNAP were subject to use conditions that limit human exposure to the agents, but no other restrictions. As these use conditions are rescinded as of today's action, the inert gas agents now fall under the category of acceptable

alternatives without restrictions. Most of the halocarbon agents previously listed as acceptable total flooding agents under SNAP were subject to use conditions that limit human exposure to the agents (with no other restrictions). Likewise, these now fall under the category of acceptable alternatives without restrictions. Acceptable substitutes without restrictions are not listed in appendix G to subpart G of part 82. However, you can find lists of acceptable substitutes on EPA's SNAP Program web site at *http://www.epa.gov/ozone/title6/snap/lists/index.html.* Table 1, below, summarizes today's acceptability listings.

TABLE 1.—SUMMARY OF ACCEPTABLE TOTAL FLOODING SUBSTITUTES, FIRE SUPPRESSION AND EXPLOSION PROTECTION SECTOR

End-use	Substitute	Decision	Further information
Total flooding	IG–01	Acceptable	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. See additional comments 1, 2, 5.
Total flooding	IG–100	Acceptable	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. See additional comments 1, 2, 5.
Total flooding	IG–541	Acceptable	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. This agent contains CO_2, which is intended to increase blood oxygenation and cerebral blood flow in low oxygen atmospheres. The design concentration should result in no more than 5% CO_2. See additional comments 1, 2, 5.
Total flooding	IG–55	Acceptable	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. See additional comments 1, 2, 5.
Total flooding	HFC–227ea	Acceptable	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. See additional comments 1, 2, 3, 4, 5.
Total flooding	HFC–125	Acceptable	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. See additional comments 1, 2, 3, 4, 5.
Total flooding	HFC–23	Acceptable	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. See additional comments 1, 2, 3, 4, 5.
Total flooding	HCFC–124	Acceptable	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. See additional comments 1, 2, 3, 4, 5.
Total flooding	HCFC Blend A	Acceptable	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. See additional comments 1, 2, 3, 4, 5.
Total flooding	HFC–134a	Acceptable	Use of blends containing this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. See additional comments 1, 2, 3, 4, 5, 6.
Total flooding	HCFC–22	Acceptable	Use of blends containing this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. See additional comments 1, 2, 3, 4, 5, 6.

Additional comments:
1—Should conform with relevant OSHA requirements, including 29 CFR 1910, Subpart L, Sections 1910.160 and 1910.162.
2—Per OSHA requirements, protective gear (SCBA) should be available in the event personnel should reenter the area.
3—Discharge testing should be strictly limited to that which is essential to meet safety or performance requirements.
4—The agent should be recovered from the fire protection system in conjunction with testing or servicing, and recycled for later use or destroyed.
5—EPA has no intention of duplicating or displacing OSHA coverage related to the use of personal protective equipment (*e.g.,* respiratory protection), fire protection, hazard communication, worker training or any other occupational safety and health standard with respect to halon substitutes.
6—The NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems gives guidelines for blends that contain HFC–134a or HCFC–22 and other acceptable total flooding agents, rather than referring to HFC–134a or HCFC–22 alone.

Two of the halocarbon agents in the above table, HFC–134a and HCFC–22, are not addressed in NFPA's 2001 Standard. Currently, neither of these agents is used (outside of blends) in total flooding systems in the U.S. For either of these agents to be used as total flooding agents (outside of any blend containing these agents that is already

addressed by NFPA 2001), a proposal would need to be submitted to NFPA to have the agent added to the 2001 Standard under NFPA's usual procedure for updating existing standards, and a total flooding system would need to be in compliance with any other local requirements. (NFPA's procedure for updating codes and standards is described above, under the heading ''NFPA's Safety Standards for Total Flooding Agents.'')

As noted, in previous SNAP listings, most of the halocarbons that are alternatives to halons for use as total flooding agents were subject to use conditions that limit human exposure without any additional restrictions. However, three halocarbon agents (HFC–236fa, C_3F_8 and C_4F_{10}) that we previously listed as acceptable were also subject to narrowed use limits that restrict where these alternatives may be used (in addition to use conditions that limit human exposure to the agents). Although EPA is today rescinding the use conditions regarding safe exposure to HFC–236fa, C_3F_8 and C_4F_{10}, the Agency is maintaining the narrowed use limits for these three agents. Therefore, these agents are still subject to restrictions under SNAP, and fall into the category of acceptable alternatives subject to narrowed use limits. The listings for these three agents are summarized in Table 2, below. EPA established the narrowed use limits imposed on the use of HFC–236fa, C_3F_8 and C_4F_{10} to restrict the use of these agents because of their relatively long atmospheric lifetimes and high global warming potentials, which are particularly high in the case of the perfluorocarbons (PFCs) C_3F_8 and C_4F_{10} (see Appendix H to subpart G of part 82).

Some agents have been listed in more than one appendix to subpart G of part 82. For example, when OSHA introduced standards for the use of C_3F_8 and C_4F_{10}, EPA revised the SNAP listing for those agents and placed them in a new Appendix, which then contained all relevant information for those agents. Thus, although C_3F_8 appeared both in Appendix B and appendix H, and C_4F_{10} appeared in both appendix A and appendix H, the listings in Appendices A and B for these agents were obsolete. Since we are revising the appendices to subpart G of part 82 at this time, we decided to leave only the more recent, complete decisions, found in appendix H, and to delete the obsolete listings in appendices A and B.

In reviewing the listings for total flooding agents, we found that there were a few agents that should be subject to a narrowed use limit, rather than subject to a use condition. For example, EPA had previously listed CF_3I as ''acceptable for use in normally unoccupied areas, subject to use conditions.'' We had originally stated in our decision that it is acceptable only for use in normally unoccupied areas, as well as subject to use conditions for the exposure limits and egress times. Although we are removing the use conditions regarding exposure limits and egress times, we believe that it is still appropriate to restrict the use of CF_3I to normally unoccupied areas. This is because we have not received information showing that this agent is safe to use in occupied areas. Consistent with our past practice for other substitutes, EPA now believes that this restriction should be included on the ''narrowed use'' list, rather than the ''use condition'' list. Thus, as an administrative matter, EPA is shifting CF_3I, with the limit on use to normally unoccupied areas, to the narrowed use list. This shift does not modify the substantive requirements applicable to use of CF_3I. (The same need to retain restrictions applies to some uses of the agent known as Gelled Halocarbon / Dry Chemical Suspension or Envirogel. Because there are additional actions that EPA is taking with respect to Envirogel and we believe it would be confusing to discuss our actions with respect to Envirogel in a piecemeal fashion, we discuss the retention of the restrictions as well as the other actions pertaining to Envirogel below in section II.D. of the preamble under the heading ''How is EPA's Decision on the Acceptability of Envirogel (Gelled Halocarbon / Dry Chemical Suspension) Changing in Today's Rule?''. For that reason, Envirogel is not included on Table 2 below; Tables 5 and 6 reflect all of the actions that EPA is taking on Envirogel in this notice.)

Finally, we also are changing the wording of the listing for SF_6 to list it as ''acceptable subject to narrowed use limits'' with a narrowed use limit that it be used only as a discharge testing agent in military applications and in civilian aircraft. (As new alternatives are now available for discharge testing, EPA will re-assess the acceptability listing of SF_6 in this application as part of a future regulatory review.) Currently, this restriction is listed in the ''use conditions'' list and, as with CF_3I, EPA believes that this restriction is more appropriately included in the narrowed use table. Thus, this also is a clarification of the limitations in the original decision, rather than a substantive change to the SNAP listings.

We also have slightly revised some information in the ''comments'' column, for the agents in Table 2 below. These are minor changes for consistency with current information and in presenting information about the Agency's decision. For example, we have added a note about the global warming potential and atmospheric lifetime of HFC–236fa to be consistent with the current comments for C_4H_{10}, C_3F_8, and SF_6. We also removed an obsolete reference about ODP data for the agent CF_3I.

TABLE 2.—TOTAL FLOODING SUBSTITUTES, ACCEPTABLE SUBJECT TO NARROWED USE LIMITS, FIRE SUPPRESSION AND EXPLOSION PROTECTION SECTOR*

End-use	Substitute	Decision	Conditions	Further information
Total Flooding	HFC-236fa	Acceptable subject to narrowed use limits.	Acceptable when manufactured using any process that does not convert perfluoroisobutylene (PFIB) directly to HFC-236fa in a single step: -for use in explosion suppression and explosion inertion applications and. -for use in fire suppression applications where other non-PFC agents or alternatives are not technically feasible due to performance or safety requirements: (a) because of their physical or chemical properties, or (b) where human exposure to the extinguishing agents may result in failure to meet safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems.	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. Users should observe the limitations on HFC-236fa acceptability by taking the following measures: (i) conduct an evaluation of foreseeable conditions of end-use; (ii) determine that the physical or chemical properties or other technical constraints of the other available agents preclude their use; and (iii) determine that human exposure to the other alternative extinguishing agents may result in failure to meet safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. Documentation of such measures should be available for review upon request. The principal evironmental characteristic of concern for HFC-236fa is its high GWP of 9400 and long atmospheric lifetime of 226 years. Actual contributions to global warming depend upon the quantities emitted. See additional comments 1, 2, 3, 4, 5.
Total flooding	C_3F_8	Acceptable subject to narrowed use limits.	Acceptable for nonresidential uses where other alternatives are not technically feasible due to performance or safety requirements: (a) because of their physical or chemical properties, or (b) where human exposure to the extinguishing agents may result in failure to meet safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems.	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. Users should observe the limitations on PFC acceptability by taking the following measures: (i) conduct an evaluation of foreseeable conditions of end-use; (ii) determine that the physical or chemical properties or other technical constraints of the other available agents preclude their use; and (iii) determine that human exposure to the other alternative extinguishing agents may result in failure to meet safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. Documentation of such measures should be available for review upon request. The principal environmental characteristic of concern for PFCs is that they have high GWPs and long atmospheric lifetimes. Actual contributions to global warming depend upon the quantities of PFCs emitted.

TABLE 2.—TOTAL FLOODING SUBSTITUTES, ACCEPTABLE SUBJECT TO NARROWED USE LIMITS, FIRE SUPPRESSION AND EXPLOSION PROTECTION SECTOR*—Continued

End-use	Substitute	Decision	Conditions	Further information
Total flooding	C_4F_{10}	Acceptable subject to narrowed use limits.	Acceptable for nonresidential uses where other alternatives are not technically feasible due to performance or safety requirements: (a) because of their physical or chemical properties, or (b) where human exposure to the extinguishing agents may result in failure to meet safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems.	See additional comments 1, 2, 3, 4, 5. Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. Users should observe the limitations on PFC acceptability by taking the following measures: (i) conduct an evaluation of foreseeable conditions of end-use; (ii) determine that the physical or chemical properties or other technical constraints of the other available agents preclude their use; and (iii) determine that human exposure to the other alternative extinguishing agents may result in failure to meet safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. Documentation of such measures should be available for review upon request. The principal enviromental characteristic of concern for PFCs is that they have high GWPs and long atmospheric lifetimes. Actual contributions to global warming depend upon the quantities of PFCs emitted.
Total flooding	CF_3I	Acceptable subject to narrowed use limits.	Use only in normally unoccupied areas.	See additional comments 1, 2, 3, 4, 5. Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. See additional comments 1, 2, 3, 4, 5.

*The decisions for Gelled Halocarbon/Dry Chemical Suspension (Envirogel) are summarized below in Section II.D. in Tables 5 and 6.

Additional comments:

1—Should conform with relevant OSHA requirements, including 29 CFR 1910, Subpart L, Sections 1910.160 and 1910.162.

2—Per OSHA requirements, protective gear (SCBA) should be available in the event personnel should reenter the area.

3—Discharge testing should be strictly limited to that which is essential to meet safety or performance requirements.

4—The agent should be recovered from the fire protection system in conjunction with testing or servicing, and recycled for later use or destroyed.

5—EPA has no intention of duplicating or displacing OSHA coverage related to the use of personal protective equipment (*e.g.,* respiratory protection), fire protection, hazard communication, worker training or any other occupational safety and health standard with respect to halon substitutes.

As noted, the Agency is rescinding the SNAP use conditions that limit human exposure to halocarbons or inert gases used as total flooding agents, and EPA is not rescinding any other use restrictions on any other substitutes for halons at this time. For example, narrowed use limits on substitutes used as total flooding agents remain the same, such as restrictions that limit use of a substitute to normally unoccupied areas. Existing use restrictions for total flooding substitutes other than halocarbons and inert gases also are not affected by today's action. Use conditions and narrowed use limits for substitutes for halons used as streaming agents are unaffected by today's direct final rule.

Previously listed total flooding agents other than halocarbon and inert gas agents that are not addressed by the NFPA 2001 standard are not affected by today's action. These include Inert Gas/Powdered Aerosol Blend, Powdered Aerosol C, Powdered Aerosol A, Carbon Dioxide, Foam A, Water, and Water mist (using potable or natural sea water). Today's action does not affect the existing SNAP listings for these agents in any way (use restrictions and/or comments apply to the use of many of these agents; see 40 CFR part 82 Subpart

G for complete listings). EPA may reconsider these listings in the future, depending upon the availability of technically feasible alternative methods to evaluate these other total flooding agents.

C. How Will Exposure Limits and Egress Times Be Determined for New Halocarbon and Inert Gas Total Flooding Agents in the Future?

EPA does not intend to establish exposure limits or egress times as use conditions for halocarbon and inert gas fire suppressants used as total flooding agents in future SNAP submissions. Instead, for any fire suppressant to be used as a total flooding agent that was previously unlisted, the manufacturer would need to submit a proposal to NFPA to have the agent added to the 2001 Standard under NFPA's usual procedure for updating existing standards. (described above under the heading ''NFPA's Safety Standards for Total Flooding Agents.'') A total flooding system would need to be in compliance with any other local requirements. The NFPA 2001 standard would take over the role of establishing exposure limits and egress times for total flooding agents.

As halocarbon or inert gas total flooding agents are submitted to the SNAP program in the future, EPA's regulations will continue to require the same information (including complete toxicological data) as has been required previously. The SNAP program will continue to evaluate these agents based on overall human health and environmental risks, and will publish listing decisions in the **Federal Register**. We plan to provide information on occupational exposure limits in future listing decisions, including the NOAEL and LOAEL. However, the SNAP listing would not specify exposure limits or egress times for halocarbon or inert gas total flooding agents; rather, we would expect submitters to request the NFPA 2001 committee to establish those values. A submitter would not need to receive exposure limits and egress times from the NFPA on their substitute, however, before EPA could decide on its acceptability under the SNAP program. To avoid confusion, we choose not to establish temporary exposure guidelines or use conditions under the SNAP program that could conflict with future, more appropriate exposure limits and egress times from the NFPA 2001 Committee. Not issuing use conditions on exposure for new agents also reduces administrative burden for the Agency and for submitters.

Importantly, we believe this approach will sufficiently protect public health and the environment. Generally, local fire codes reference NFPA standards where they exist. Therefore, we expect that the NFPA 2001 Committee will include new agents in the standard before new agents will be used. In addition, mentioning the NOAEL and LOAEL in SNAP decisions will assist users in assessing the health impacts of fire suppression agents, while avoiding potential conflicts with decisions of the NFPA committee. We expect that submitters of new agents will continue to work with the NFPA to have their agents included in the 2001 Standard, as has been the practice. We plan to participate in NFPA's voluntary consensus process on future editions of the 2001 Standard.

D. How is EPA Responding to the Withdrawal of HBFC–22B1 From the Market?

EPA previously listed HBFC–22B1 (tradename FM–100) as acceptable subject to use conditions for the total flooding end use for fire suppression in the March 18, 1994 SNAP rule. Since then, the manufacturer of HBFC–22B1 withdrew this fire suppression agent from the market because it was found to be a fetal toxin. Furthermore, this substitute has a high ozone depletion potential of 0.74, and its production was required to be phased out by January 1, 1996 (except for essential uses). Therefore, EPA is removing it from the list of acceptable substitutes and is listing it as an unacceptable substitute.

EPA reviewed the presentation of all listings for total flooding agents in the Code of Federal Regulations as part of rescinding use conditions for halocarbon and inert gas agents, as discussed above in section II.B. During that review, we decided that it was inappropriate to rescind the use conditions on HBFC–22B1 and list it as an acceptable substitute for halon 1301. We reasoned that if an agent is too toxic for the manufacturer to sell it, then the agent should be considered unacceptable under the SNAP program. In addition, because HBFC–22B1 has a relatively high ODP and because the manufacturer has withdrawn HBFC–22B1 from the market, we cannot consider this to be a viable substitute for halons that would help in the transition away from ozone depleting substances. Since listing this substitute as acceptable is contrary to the purpose of the SNAP program, we are listing it as an unacceptable substitute for halon 1301 in the total flooding end use in the fire protection sector. As a result of this listing, it will be unlawful to use HBFC–22B1 as a fire suppression agent as of the effective date of this regulation. This decision is summarized below in Table 3.

TABLE 3.—FIRE SUPPRESSION AND EXPLOSION PROTECTION SECTOR, TOTAL FLOODING SUBSTITUTES, UNACCEPTABLE SUBSTITUTES

End-use	Substitute	Decision	Further information
Halon 1301	HBFC–22B1	Unacceptable	HBFC–22B1 is a Class I ozone depleting substance with an ozone depletion potential of .74. Production was phased out January 1, 1996. The manufacturer of this agent removed it from the market because it is a fetal toxin.
Total Flooding Agents			

Because this agent has not been produced for more than five years, because it is not available for sale, and because we believe no one is currently using this agent, we expect that our decision will not have a substantial impact on the industry or users. Because there should be little or no impact and because the manufacturer has recognized its toxicity, we expect our decision will not be controversial. Therefore, EPA is giving notice today of our decision to find HBFC–22B1 unacceptable without prior proposal.

E. What New Fire Suppressant Is EPA Finding Acceptable Subject to Narrowed Use Limits in Today's Action?

A manufacturer of fire suppression agents submitted the new agent Halotron II for review by the SNAP program. The submitter for Halotron II requested that it be listed only for areas that are not normally occupied. EPA finds Halotron II acceptable as a substitute for halon 1301 for use as a total flooding agent in the fire suppression and explosion protection sector, subject to the following narrowed use limits: it may be used

only in areas that are not normally occupied. This agent is a blend of halocarbon and other gases.

EPA has reviewed the potential environmental impacts of this blend and concluded that, by comparison to halon 1301 and other substitutes for halon 1301, this blend reduces overall risk to the environment. The components of this blend have negligible ozone-depletion potential. EPA's review of all of the environmental and human health impacts of this blend is contained in the public docket for this rulemaking. This listing decision is summarized in Table 4, below.

TABLE 4.—TOTAL FLOODING SUBSTITUTES, ACCEPTABLE SUBJECT TO NARROWED USE LIMITS, FIRE SUPPRESSION AND EXPLOSION PROTECTION SECTOR

End-use	Substitute	Decision	Conditions	Further information
Total flooding	Halotron II	Acceptable subject to narrowed use limits.	Acceptable in areas that are not normally occupied only.	See additional comments 1, 2, 3, 4, 5.

Additional comments:
1—Should conform with relevant OSHA requirements, including 29 CFR 1910, Subpart L, Sections 1910.160 and 1910.162.
2—Per OSHA requirements, protective gear (SCBA) should be available in the event personnel should reenter the area.
3—Discharge testing should be strictly limited to that which is essential to meet safety or performance requirements.
4—The agent should be recovered from the fire protection system in conjunction with testing or servicing, and recycled for later use or destroyed.
5—EPA has no intention of duplicating or displacing OSHA coverage related to the use of personal protective equipment (*e.g.,* respiratory protection), fire protection, hazard communication, worker training or any other occupational safety and health standard with respect to halon substitutes.

EPA is adding Halotron II to the SNAP lists without prior proposal because the Agency views this as a non-controversial action and anticipates no adverse comment. We stated in the original SNAP rule that for substitutes that are deemed acceptable subject to use restrictions (use conditions and/or narrowed use limits), or for substitutes deemed unacceptable, we would publish these decisions as proposals to allow the public opportunity to comment on the decision. Although EPA is restricting use of this agent to areas that are not normally occupied, this limitation was requested by the submitter. Thus, we do not expect adverse comment. By listing Halotron II through direct final rulemaking, the Agency is expediting the addition of this agent to the list of acceptable substitutes, thereby providing greater opportunities for the public to transition from the use of halon to non-ozone-depleting alternatives.

F. How Is EPA's Decision on the Acceptability of Envirogel (Gelled Halocarbon/Dry Chemical Suspension) Changing in Today's Rule?

Envirogel (Gelled Halocarbon/Dry Chemical Suspension) is a blend of any of several hydrofluorocarbons (HFCs) with an additive. Today EPA is listing Envirogel as an acceptable substitute for total flooding in the fire suppression and explosion protection sector, using any of the HFCs that are addressed by NFPA's 2001 Standard.

EPA previously listed Envirogel as an acceptable substitute subject to use conditions for halon 1301 as a total flooding agent only in normally unoccupied areas in the **Federal Register** on June 13, 1995 (60 FR 31092) under the generic name Gelled Halocarbon/Dry Chemical Suspension.[1] Although we used a generic name to list this agent in the past, today we are listing the agent under its trade name, Envirogel.

The submitter of this agent originally requested SNAP review for unoccupied areas only. The submitter of Envirogel later re-submitted the agent with an ammonium polyphosphate additive for use in occupied areas. The SNAP program evaluated this agent for use in occupied areas and has determined that it is acceptable for such use. Thus, in today's action EPA is determining that Envirogel with the ammonium polyphosphate additive is acceptable for use in both occupied and unoccupied areas.

The original SNAP listing for this agent found it acceptable for use only in unoccupied areas, subject to use conditions on the exposure concentration and egress time, as discussed above in section II.B of the preamble (''How is EPA Changing the SNAP Program's Existing Substitute Listings for Fire Suppression and Explosion Protection to Coordinate with the NFPA 2001 Standard?''). Today's action rescinds those use conditions. Although Envirogel itself is not listed in NFPA's 2001 Standard, the hydrofluorocarbon gases that are used in this agent are addressed by the 2001 Standard. Use of Envirogel should be in accordance with the exposure limits set forth in NFPA 2001 for the particular hydrofluorocarbon gas used.

The original SNAP listing for this agent (60 FR 31092; June 13, 1995) included a discussion in the preamble regarding the use of either of two different additives (ammonium polyphosphate or monoammonium phosphate) with halocarbon gases. Note that today's decision, which broadens the acceptability of this agent to include use in occupied areas, only applies to the ammonium polyphosphate additive. Before this agent could be used in occupied areas with any additive other than ammonium polyphosphate, it would need separate review by the Agency. Envirogel used with monoammonium phosphate additive, when used as a total flooding agent as a substitute for halon 1301, is still subject to narrowed use limits.

Consistent with the discussion of CF_3I in section II.B of the preamble above, we are revising the previous listing from acceptable subject to use conditions (''acceptable for use in normally unoccupied areas'') to acceptable subject to narrowed use limits (''use only in normally unoccupied areas''). You can find the revised regulatory language below in Table 6. The EPA considers this an administrative revision that has no substantive implication for the use of Envirogel.

As discussed above, EPA is rescinding the use conditions on exposure limits for each of the SNAP-listed halocarbon fire protection agents that are addressed by NFPA's 2001 Standard. Use of Envirogel (Gelled Halocarbon / Dry Chemical Suspension) should be in accordance with the exposure limits set forth in the NFPA 2001 Standard, for whichever HFC gas is employed. The

[1] Envirogel also was previously listed as an acceptable substitute for halon 1211 as a streaming agent on August 26, 1994 (59 FR 44240) under the generic name Gelled Halocarbon/Dry Chemical Suspension.

listing decisions for Envirogel are summarized in Tables 5 and 6, below.

TABLE 5.—ACCEPTABLE TOTAL FLOODING SUBSTITUTES, FIRE SUPPRESSION AND EXPLOSION PROTECTION SECTOR

End-use	Substitute	Decision	Comments
Total flooding	Envirogel with ammonium polyphosphate additive.	Acceptable	Use of this agent should be in accordance with the safety guidelines in the latest additive edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems, for whichever hydrofluorocarbon gas is employed. Envirogel is listed as a streaming substitute under the generic name Gelled Halocarbon/Dry Chemical Suspension. Envirogel was also previously listed as a total flooding substitute under the same generic name. See additional comments 1, 2, 3, 4, 5.

Additional comments:
1—Should conform with relevant OSHA requirements, including 29 CFR 1910, Subpart L, Sections 1910.160 and 1910.162.
2—Per OSHA requirements, protective gear (SCBA) should be available in the event personnel should reenter the area.
3—Discharge testing should be strictly limited to that which is essential to meet safety or performance requirements.
4—The agent should be recovered from the fire protection system in conjunction with testing or servicing, and recycled for later use or destroyed.
5—EPA has no intention of duplicating or displacing OSHA coverage related to the use of personal protective equipment (e.g., respiratory protection), fire protection, hazard communication, worker training or any other occupational safety and health standard with respect to halon substitutes.

TABLE 6.—TOTAL FLOODING SUBSTITUTES, ACCEPTABLE SUBJECT TO NARROWED USE LIMITS, FIRE SUPPRESSION AND EXPLOSION PROTECTION SECTOR

End-use	Substitute	Decision	Conditions	Comments
Total flooding	Envirogel with any additive other than ammonium polyphosphate.	Acceptable subject to narrowed use limits.	Use only in normally unoccupied areas.	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems, for whichever hydrofluorocarbon gas is employed. Envirogel is listed as a streaming substitute under the generic name Gelled Halocarbon/Dry Chemical Suspension. Envirogel was also previously listed as a total flooding substitute under the same generic name. See additional comments 1, 2, 3, 4, 5.

Additional comments:
1—Should conform with relevant OSHA requirements, including 29 CFR 1910, Subpart L, Sections 1910.160 and 1910.162.
2—Per OSHA requirements, protective gear (SCBA) should be available in the event personnel should reenter the area.
3—Discharge testing should be strictly limited to that which is essential to meet safety or performance requirements.
4—The agent should be recovered from the fire protection system in conjunction with testing or servicing, and recycled for later use or destroyed.
5—EPA has no intention of duplicating or displacing OSHA coverage related to the use of personal protective equipment (e.g., respiratory protection), fire protection, hazard communication, worker training or any other occupational safety and health standard with respect to halon substitutes.

Envirogel (Gelled Halocarbon/Dry Chemical Suspension) has already been listed as an acceptable substitute under SNAP for total flooding applications. In today's decision, EPA does not impose any additional restrictions on the use of this agent, but rather is broadening the scope of its use as a substitute by finding Envirogel with ammonium polyphosphate additive to be acceptable as a substitute for halon 1301 for use as a total flooding agent in occupied areas. Thus, we do not expect adverse comment and EPA is giving notice today of our decision to broaden the scope of the existing SNAP listing for Envirogel without prior proposal.

G. How Will Today's SNAP Listings Fit in With Previous SNAP Listings in the Code of Federal Regulations?

Today's action revises many of the existing SNAP listings for total flooding halon substitutes. EPA is taking this opportunity to explain how today's listings will fit into the existing SNAP listings in the CFR, to avoid any confusion that might arise when comparing today's listings with previous SNAP listings.

The SNAP program has historically published listing decisions in separate tables depending on decision category. That is, separate tables have been published for substitutes that are deemed acceptable with no restrictions, for substitutes deemed acceptable subject to use conditions, for substitutes deemed acceptable subject to narrowed use limits, and for unacceptable substitutes. For substitutes that are subject to both use conditions and narrowed use limits (*i.e.,* HFC–236fa, C_3F_8 and C_4F_{10}), the SNAP program has historically included such substitutes in two separate tables (that is, in a table of substitutes subject to use conditions as well as in a table of substitutes subject to narrowed use limits).

When the original regulation implementing the SNAP program was published in March 1994, EPA also published the initial lists of substitutes (59 FR 13044). In that rulemaking, substitutes deemed acceptable subject to use restrictions (use conditions or narrowed use limits) or unacceptable were published in an appendix to the

regulation itself, and are therefore codified into the Code of Federal Regulations (CFR) as appendices to Subpart G of 40 CFR part 82. By contrast, substitutes that were deemed acceptable with no restrictions were only listed within the language of the preamble to the rule. Preamble language does not become codified in the CFR, and thus listings of substitutes that were deemed acceptable with no restrictions were not codified in the CFR. However, you can find lists of acceptable substitutes on the SNAP program web site or you may obtain a copy from EPA's Stratospheric Protection Hotline, as described below in the section I. C., ''Where Can I Get Additional Information about the SNAP Program?''

Subsequent SNAP listing decisions have been published in the same manner. That is, acceptable substitutes with no restrictions have continued to be listed only in preamble language (and thus not codified in the CFR), while substitutes in all other decision categories have continued to be published as additional appendices to the SNAP regulation (and 40 CFR part 82 subpart G has been amended to include these additional appendices). Each time a SNAP rulemaking has been published that would add substitutes to the lists of acceptable substitutes with restrictions or unacceptable substitutes, additional appendices have simply been added at the end of the existing appendices in Subpart G. Note that even in cases where a new listing modifies a previous listing, the new listings have simply been appended to the existing appendices in Subpart G without removal of previous listings. Thus, users generally should look to the latest appendices found in Subpart G to be sure that they are aware of the most current SNAP requirements for a particular substitute.

By rescinding the use conditions for previously listed halocarbon and inert gas agents today, many agents that had previously been listed in Subpart G as acceptable, subject to use conditions, now fall into the category of acceptable without restrictions. In keeping with the manner in which SNAP listing decisions have historically been published, we summarized these substitutes within this preamble (see Table 1, above). Under past practice, these listings would not become part of the regulations at 40 CFR part 82 subpart G because they merely present acceptable substitutes and do not impose any restrictions. Similarly, in today's rule we are removing from the Code of Federal Regulations those substitutes for halon 1301 that previously were subject to use conditions for use as total flooding agents and now are acceptable without restriction. These are the halocarbons or inert gases that are listed in the NFPA 2001 standard. As a result, for appendices A, C, H and I, we are removing the entire table for substitutes for halons for use as total flooding agents subject to use conditions. For appendix B, we are revising the table for total flooding agents subject to use conditions so that it will only include those total flooding agents that are neither halocarbons nor inert gases.

Envirogel (Gelled Halocarbon/Dry Chemical Suspension) was previously listed in appendix B of subpart G as an acceptable substitute subject to use conditions for use as a total flooding agent. That listing is now being deleted from appendix B. Today we are listing Envirogel with the ammonium polyphosphate additive as an acceptable substitute for halon 1301 as a total flooding agent. Because this listing does not require use conditions or narrowed use limits, it will not appear in the regulatory language at the end of this action and will not appear in the Code of Federal Regulations. We are also issuing a new listing for Envirogel with any additive other than ammonium polyphosphate as an acceptable substitute subject to narrowed use limits for use as a total flooding agent. This listing will appear in the new appendix J to Subpart G in the regulatory language at the end of this action and in the Code of Federal Regulations.

Three of the halocarbon substitutes for which the use conditions have been rescinded today (HFC–236fa, C_3F_8 and C_4F_{10}) were previously listed as acceptable subject to both use conditions and narrowed use limits. Although no longer subject to use conditions, these three substitutes still fall into the category of acceptable subject to narrowed use limits (summarized in Table 2, above). The previous listings for these agents will still appear in appendix H of Subpart G, with revisions to delete the use conditions and to refer to the NFPA 2001 standard, while earlier, outdated decisions for C_4F_{10} from Appendix A and for C_3F_8 from appendix B will be removed. The narrowed use limits for these three agents include a requirement for a demonstration that other alternatives are not technically feasible. Part of that demonstration references ''applicable use conditions.'' Those use conditions for exposure limits and egress times are being rescinded in today's rule and replaced with a recommendation to observe the guidelines in the NFPA 2001 Standard. Therefore, in our listings in today's rule, we are changing the second part of the conditions to refer to ''safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems,'' rather than referring to ''applicable use conditions.''

In summary, we are making the following changes in regulatory text:

- Deleting the existing tables for total flooding agents that are acceptable subject to use conditions in appendices A, C, H and I.
- Deleting the existing tables for total flooding agents that are acceptable subject to narrowed use limits in appendix A.
- Revising the existing table for total flooding agents that are acceptable subject to use conditions in appendix B.
- Revising existing tables for total flooding agents that are acceptable subject to narrowed use limits in appendices B and H.
- Adding a new appendix J with tables for total flooding agents that are acceptable subject to narrowed use limits and for unacceptable total flooding agents.

III. Administrative Requirements

A. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector.

Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Section 204 of the UMRA requires the Agency to develop a process to allow elected state, local, and tribal government officials to provide input in the development of any

proposal containing a significant Federal intergovernmental mandate.

Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Today's rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, or tribal governments or the private sector. Because this rule imposes no enforceable duty on any State, local or tribal government it is not subject to the requirements of sections 202 and 205 of the UMRA. EPA has also determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments; therefore, EPA is not required to develop a plan with regard to small governments under section 203. Finally, because this rule does not contain a significant intergovernmental mandate, the Agency is not required to develop a process to obtain input from elected state, local, and tribal officials under section 204.

B. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether this regulatory action is significant and therefore subject to OMB review and the requirements of the Executive Order. The Order defines significant regulatory action as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, OMB notified EPA that it considers this a ''significant regulatory action'' within the meaning of the Executive Order and EPA submitted this action to OMB for review. Changes made in response to OMB suggestions or recommendations will be documented in the public record.

C. Paperwork Reduction Act

EPA has determined that this final rule contains no information requirements subject to the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, that are not already approved by the Office of Management and Budget (OMB). OMB has reviewed and approved two Information Collection Requests (ICRs) by EPA which are described in the March 18, 1994 rulemaking (59 FR 13044, at 13121, 13146–13147) and in the October 16, 1996 rulemaking (61 FR 54030, at 54038–54039). These ICRs included five types of respondent reporting and record-keeping activities pursuant to SNAP regulations: submission of a SNAP petition, filing a SNAP/TSCA Addendum, notification for test marketing activity, record-keeping for substitutes acceptable subject to narrowed use limits, and record-keeping for small volume uses. The OMB Control Numbers are 2060–0226 and 2060–0350.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

D. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 6, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.''

This direct final rule does not have tribal implications. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. This direct final rule will remove regulatory restrictions on the use of certain fire suppressants and replace them with a recommendation to use industry standards. These standards are typically already required by state or local fire codes, and this rule does not require tribal governments to change their regulations. Thus, Executive Order 13175 does not apply to this rule.

E. Regulatory Flexibility Analysis

EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this final rule. EPA has also determined that this rule will not have a significant economic impact on a substantial number of small entities. For purposes of assessing the impact of today's rule on small entities, small entities are defined as (1) a small business that produces or uses fire suppressants as total flooding agents with 500 or fewer employees or total annual receipts of $5 million or less; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's final rule on small entities, EPA has concluded that this action will not have a significant

economic impact on a substantial number of small entities. Primarily, the rule removes regulatory restrictions on the use of most fire-suppressants used as total flooding agents and, instead, defers to the voluntary consensus standards set by the National Fire Protection Association. Thus, users of these substitutes are being relieved of regulatory constraints. For this action, EPA is also changing the listing of a substitute from acceptable subject to use conditions to unacceptable. This agent, HBFC–22B1, was phased out of production more than five years ago, except for a few essential uses. Later, the manufacturer withdrew it from the market because of its toxicity. Because this agent is generally unavailable and because of the potential liability associated with its toxic effects, EPA believes it is extremely unlikely that anyone is currently using this agent. We expect that listing this agent as an unacceptable substitute will have no significant impact on a substantial number of small entities. With respect to EPA's decision on Halotron II, EPA is finding it acceptable for all uses requested by the manufacturer. Moreover, the manufacturer of the new fire suppressant, Halotron II, has not yet sold it, so today's action does not affect, in any way, current usage. For Envirogel, today's action removes the use conditions and narrowed use limit on Envirogel with one additive, while maintaining the existing narrowed use limit on Envirogel used with all other additives. Thus, EPA is removing several regulatory constraints on the current ability of any entity, including small entities, to use this substitute. In addition, today's rule prevents potential conflicts between EPA regulations and existing state, local and tribal fire code requirements that incorporate NFPA standards by referring to standards of the NFPA.

Although this final rule will not have a significant economic impact on a substantial number of small entities, EPA nonetheless has tried to reduce the impact of this rule on small entities. By introducing new substitutes and removing regulatory restrictions on a number of acceptable substitutes, today's rule gives additional flexibility to small entities that are concerned with fire suppression. EPA also has worked closely together with the National Fire Protection Association, which conducts regular outreach with, and involves small state, local, and tribal governments in developing and implementing relevant fire protection standards and codes.

F. Applicability of Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045: ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This final rule is not subject to the Executive Order because it is not economically significant as defined in Executive Order 12866, and because the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. The acceptability listings and the removal of use conditions on the use of halocarbon and inert gas fire suppressants in this final rule primarily apply to the workplace, and thus, do not put children at risk disproportionately. The Agency finds HCFC–22B1 unacceptable in today's action. This agent is a fetal toxin, and thus, could be considered to put children at risk disproportionately. However, because this agent is generally unavailable and because of the potential liability associated with its toxic effects, EPA believes it is extremely unlikely that anyone is currently using this agent. Therefore, our action on this chemical is not likely to change the risk to children. This rule is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866 and because the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

G. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law No. 104–113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This rulemaking involves technical standards. EPA has decided to use the NFPA 2001 Standard on Clean Agent Fire Extinguishing Systems, 2000 edition, a voluntary consensus standard developed by the National Fire Protection Association (NFPA). You can obtain copies of this standard by calling the NFPA's telephone number for ordering publications at 1–800–344–3555 and requesting order number S3–2003–00. The NFPA 2001 standard meets the objectives of the rule by setting scientifically-based guidelines for exposure to halocarbon and inert gas agents used to extinguish fires. In addition, EPA has worked in consultation with OSHA to encourage development of technical standards to be adopted by voluntary consensus standards bodies.

H. Executive Order 13132 (Federalism)

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

This direct final rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This final rule will remove regulatory restrictions on the use of certain fire suppressants and replace them with a recommendation to use industry standards. These standards are typically already required by state or local fire codes, and this rule does not require state, local, or tribal governments to change their regulations. Thus, Executive Order 13132 does not apply to this rule.

I. Judicial Review

Under section 307(b)(1) of the Act, EPA finds that these regulations are of national applicability. Accordingly, judicial review of the action is available only by the filing of a petition for review in the United States Court of Appeals for the District of Columbia Circuit within sixty days of publication of the action in the **Federal Register**. Under section 307(b)(2), the requirements of this rule may not be challenged later in the judicial proceedings brought to enforce those requirements.

J. Executive Order 13211 (Energy Effects)

This rule is not a ''significant energy action'' as defined in Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)) because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Primarily, the rule removes regulatory restrictions on the use of most fire-suppressants used as total flooding agents and, instead, defers to a voluntary consensus standard. Thus, users of these substitutes are being relieved of regulatory constraints. In addition, the rule allows wider use of substitutes, providing greater flexibility for industry. For the one substitute not acceptable, EPA believes it is unlikely that anyone is currently using this agent because this agent is generally unavailable and because of the potential liability associated with its toxic effects. Further, we have concluded that this rule is not likely to have any adverse energy effects.

K. Submittal to Congress and General Accounting Office

The Congressional Review Act (CRA), 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective on April 1, 2002.

List of Subjects in 40 CFR Part 82

Environmental protection, Administrative practice and procedure, Air pollution control, Reporting and recordkeeping requirements.

Dated: January 15, 2002.

Christine Todd Whitman,

Administrator.

For the reasons set out in the preamble, 40 CFR part 82 is amended as follows:

PART 82—PROTECTION OF STRATOSPHERIC OZONE

1. The authority citation for part 82 continues to read as follows:

Authority: 42 U.S.C. 7414, 7601, 7671–7671q.

Subpart G—Significant New Alternatives Policy Program

2. Appendix A to Subpart G of part 82 is amended by:

a. Removing the heading and table for ''Fire Suppression and Explosion Protection Total Flooding Agents, Substitutes Acceptable Subject To Use Conditions.''

b. Removing the heading and table for ''Fire Suppression and Explosion Protection Total Flooding Agents, Substitutes Acceptable Subject To Narrowed Use Limits.''

3. Appendix B of Subpart G of part 82 is amended by:

a. Amending the table entitled ''Fire Suppression and Explosion Protection—Acceptable Subjects to Use Conditions: Total Flooding Agents'' by removing the entries ''C3H8'', ''CF3I'' and ''Gelled Halocarbon/Dry Chemical Suspension'.

b. Adding a sentence to the end of footnote 1 to the table entitled ''Fire Suppression and Explosion Protection—Acceptable Subjects to Use Conditions: Total Flooding Agents''.

c. Revising the table entitled ''Fire Suppression And Explosion Protection-Acceptable Subject to Narrowed Use Limits: Total Flooding Agents''.

The revisions read as follows:

Appendix B to Subpart G of Part 82—Substitutes Subject to Use Restrictions and Unacceptable Substitutes

* * * * *

Fire Suppression and Explosion Protection—Acceptable Subjects to Use Conditions: Total Flooding Agents

* * * * *

[1] * * * You should use clean agents in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems.

* * * * *

Fire Suppression and Explosion Protection—Acceptable Subject to Narrowed Use Limits: Total Flooding Agents

End-use	Substitute	Decision	Conditions	Further information
Total flooding	Sulfurhexafluoride (SF_6).	Acceptable subject to narrowed use in limits.	May be used as a discharge test agent in military uses and in civilian aircraft uses only.	This agent has an atmospheric lifetime greater than 1,000 years, with an estimated 100-year, 500-year, and 1,000-year GWP of 16,100, 26,110 and 32,803 respectively. Users should limit testing only to that which is essential to meet safety or performance requirements. This agent is only used to test new Halon 1301 systems. See additional comments 1, 2, 3, 4, 5.
Total flooding	CF_3I	Acceptable subject to narrowed use limits.	Use only in normally unoccupied areas.	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. Manufacturer has not applied for listing for use in normally occupied areas. Preliminary cardiosensitization data indicates that this agent would not be suitable for use in normally occupied areas. See additional comments 1, 2, 3, 4, 5.

Additional comments:

1—Must conform with relevant OSHA requirements, including 29 CFR 1910, Subpart L, Sections 1910.160 and 1910.162.
2—Per OSHA requirements, protective gear (SCBA) should be available in the event personnel should reenter the area.
3—Discharge testing should be strictly limited to that which is essential to meet safety or performance requirements.
4—The agent should be recovered from the fire protection system in conjunction with testing or servicing, and recycled for later use or destroyed.
5—EPA has no intention of duplicating or displacing OSHA coverage related to the use of personal protective equipment (e.g., respiratory protection), fire protection, hazard communication, worker training or any other occupational safety and health standard with respect to halon substitutes.

* * * * *

4. Appendix C to Subpart G of part 82 is amended by removing the heading and table for ''Fire Suppression and Explosion Protection—Acceptable Subject to Use Conditions: Total Flooding Agents.''

5. Appendix H of Subpart G of part 82 is amended by:

a. Removing the heading and table for ''Fire Suppression and Explosion Protection—Total Flooding Agents—Acceptable Subject to Use Conditions.''

b. Revising the table for ''Fire Suppression and Explosion Protection Total Flooding Agents—Acceptable Subject to Narrowed Use Limits'' to read as follows:

Fire Suppression and Explosion Protection—Acceptable Subject to Narrowed Use Limits: Total Flooding Agents

End-use	Substitute	Decision	Conditions	Further information
Total flooding	HFC–236fa	Acceptable subject to narrowed use limits.	Acceptable when manufactured using any process that does not convert perfluoroisobutylene (PFIB) directly to HFC–236fa in a single step: for use in explosion suppression and explosion inertion applications, and for use in fire suppression applications where other non-PFC agents or alternatives are not technically feasible due to performance or safety requirements: (a) because of their physical or chemical properties, or (b) where human exposure to the extinguishing agents may result in failure to meet safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems.	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Systems. Users should observe the limitations on HFC–236fa acceptability by taking the following measures: (i) conduct an evaluation of foreseeable conditions of end-use; (ii) determine that the physical or chemical properties, or other technical constraints of the other available agents preclude their use; and (iii) determine that human exposure to the other alternative extinguishing agents may result in failure to meet safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. Documentation of such measures should be available for review upon request. The principal environmental characteristic of concern for HFC–236fa is its high GWP of 9400 and long atmospheric lifetime of 226 years. Actual contributions to global warming depend upon the quantities emitted. See additional comments 1, 2, 3, 4, 5.
Total flooding	C_3F_8	Acceptable subject to narrowed use limits.	Acceptable for nonresidential uses where other alternatives are not technically feasible due to performance or safety requirements:. (a) because of their physical or chemical properties, or (b) where human exposure to the extinguishing agents may result in failure to meet safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems.	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. Users should observe the limitations on PFC acceptability by taking the following measures: (i) conduct an evaluation of foreseeable conditions of end-use; (ii) determine that the physical or chemical properties or other technical constraints of the other available agents preclude their use; and

End-use	Substitute	Decision	Conditions	Further information
				(iii) determine that human exposure to the other alternative extinguishing agents may result in failure to meet safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. Documentation of such measures should be available for review upon request. The principal environmental characteristic of concern for PFCs is that they have high GWPs and long atmospheric lifetimes. Actual contributions to global warming depend upon the quantities of PFCs emitted. See additional comments 1, 2, 3, 4, 5.
Total flooding	C_4F_{10}	Acceptable subject to narrowed use limits.	Acceptable for nonresidential uses where other alternatives are not technically feasible due to performance or safety requirements: (a) because of their physical or chemical properties, or (b) where human exposure to the extinguishing agents may result in failure to meet safety guidelinesin the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems.	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. Users should observe the limitations on PFC acceptability by taking the following measures: (i) conduct an evaluation of foreseeable conditions of end-use; (ii) determine that the physical or chemical properties or other technical constraints of the other available agents preclude their use; and (iii) determine that human exposure to the other alternative extinguishing agents may result in failure to meet safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems Documentation of such measures should be available for review upon request. The principal environmental characteristic of concern for PFCs is that they have high GWPs and long atmospheric lifetimes. Actual contributions to global warming depend upon the quantities of PFCs emitted. See additional comments 1, 2, 3, 4, 5.

Additional comments:

1—Should conform with relevant OSHA requirements, including 29 CFR 1910, Subpart L, Sections 1910.160 and 1910.162.

2—Per OSHA requirements, protective gear (SCBA) should be available in the event personnel should reenter the area.

3—Discharge testing should be strictly limited to that which is essential to meet safety or performance requirements.

4—The agent should be recovered from the fire protection system in conjunction with testing or servicing, and recycled for later use or destroyed.

5—EPA has no intention of duplicating or displacing OSHA coverage related to the use of personal protective equipment (e.g., respiratory protection), fire protection, hazard communication, worker training or any other occupational safety and health standard with respect to halon substitutes.

* * * * *

6. Appendix I to Subpart G of part 82 is amended by removing the heading and table for ''Fire Suppression and Explosion Protection—Total Flooding Agents [Substitutes Acceptable Subject to Use Conditions].''

7. Subpart G of part 82 is amended by adding Appendix J to read as follows:

Appendix J to Subpart G of Part 82-Substitutes listed in the January 29, 2002 Final Rule, effective April 1, 2002.

FIRE SUPPRESSION AND EXPLOSION PROTECTION SECTOR—TOTAL FLOODING SUBSTITUTES—ACCEPTABLE SUBJECT TO NARROWED USE LIMITS

End-use	Substitute	Decision	Conditions	Further information
Total flooding	Halotron II	Acceptable subject to narrowed use limits.	Acceptable in areas that are not normally occupied only.	See additional comments 1, 2, 3, 4, 5.
Total flooding	Envirogel with any additive other than ammonium polyphosphate.	Acceptable subject to narrowed use limits.	Acceptable in areas that are not normally occupied only.	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems, for whichever hydrofluorocarbon gas is employed. Envirogel is listed as a streaming substitute under the generic name Gelled Halocarbon / Dry Chemical Suspension. Envirogel was also previously listed as a total flooding substitutes under the same generic name. EPA has found Envirogel with the ammonium polyphosphate additive to be acceptable as a total flooding agent in both occupied and unoccupied areas. See additional comments 1, 2, 3, 4, 5.

Additional comments:
1—Should conform with relevant OSHA requirements, including 29 CFR 1910, Subpart L, Sections 1910.160 and 1910.162.
2—Per OSHA requirements, protective gear (SCBA) should be available in the event personnel should reenter the area.
3—Discharge testing should be strictly limited to that which is essential to meet safety or performance requirements.
4—The agent should be recovered from the fire protection system in conjunction with testing or servicing, and recycled for later use or destroyed.
5—EPA has no intention of duplicating or displacing OSHA coverage related to the use of personal protective equipment (e.g., respiratory protection), fire protection, hazard communication, worker training or any other occupational safety and health standard with respect to halon substitutes.

FIRE SUPPRESSION AND EXPLOSION PROTECTION SECTOR—TOTAL FLOODING SUBSTITUTES—UNACCEPTABLE SUBSTITUTES

End-Use	Substitute	Decision	Further Information
Halon 1301	HBFC–22B1	Unacceptable	HBFC–22B1 is a Class I ozone depleting substance with an ozone depletion potential of 0.74.
Total Flooding Agents	.....	.....	The manufacturer of this agent terminated production of this agent January 1, 1996, except for critical uses, and removed it from the market because it is a fetal toxin.

[FR Doc. 02–1495 Filed 1–28–02; 8:45 am]
BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 98–67; FCC 01–371]

Telecommunications Services for Individuals With Hearing and Speech Disabilities; Recommended Telecommunications Relay Services Cost Recovery Guidelines; Request by Hamilton Telephone Company for Clarification and Temporary Waivers

AGENCY: Federal Communications Commission.

ACTION: Final rule; guidelines and clarification.

SUMMARY: In this *Memorandum Opinion and Order (MO&O),* the Federal Communications Commission (FCC or Commission), adopts cost-recovery guidelines for telecommunications relay services (TRS), speech-to-speech relay services (STS), and video relay services (VRS). These guidelines are based, in part, on the recommendation of the Interstate TRS Advisory Council and the TRS Fund Administrator (Advisory Council and Fund Administrator, respectively). The *MO&O* also addresses Hamilton Telephone Company's (Hamilton) petition for clarification. The Commission agrees that, under the current rules, there is no mandate for VRS providers to provide STS. The Commission also finds that VRS providers are not required to provide Spanish relay service at this time. VRS allows individuals with hearing and speech disabilities who use sign language to communicate with voice telephones.

DATES: Effective February 28, 2002.

FOR FURTHER INFORMATION CONTACT: Pam Slipakoff, 202/418–7705, Fax 202/418–2345, TTY 202/418–0484, *pslipako@fcc.gov,* Network Services Division, Common Carrier Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the *Memorandum Opinion and Order, CC Docket No. 98–67, FCC 01–371,* adopted December 17, 2001 and released December 21, 2001. The full text of the *MO&O* is available for inspection and copying during the weekday hours of 9 a.m. to 4:30 p.m. in the FCC Reference Center, Room CY–A257, 445 12th Street, SW., Washington, DC 20554, or copies may be purchased from the Commission's copy contractor, Qualex International, 445 12th Street, SW., Suite CY–B402, Washington, DC 20554, phone (202) 863–2893.

Synopsis of the Memorandum Opinion and Order CC Docket No. 98–67

1. Title IV of the Americans with Disabilities Act of 1990 (ADA) requires the Commission to ensure that TRS is available to the extent possible and in the most efficient manner to persons

with hearing or speech disabilities in the United States. The Commission first ordered all carriers to provide TRS services nationwide on July 26, 1991. The rules for cost recovery were established in the *TRS Third Report and Order,* 58 FR 39671 (July 26, 1993). The Commission's rules require TRS providers to submit annually to the TRS Fund Administrator the data necessary to compute the TRS Fund requirements and payments. The administrator uses these data to develop formulas that are filed annually with the Commission. Payments to relay service providers are distributed based on the approved formulas. The compensation formulas are based on conversation minutes of use for completed interstate TRS calls. The *TRS Third Report and Order* required that the cost of interstate TRS be recovered from all subscribers of every interstate service, utilizing a shared funding cost recovery mechanism. The *TRS Third Report and Order* further mandated that every carrier providing interstate telecommunications services contribute to the TRS Fund on the basis of gross interstate and international telecommunications revenues. In its July 1998 Biennial Review streamlining carrier reporting requirements, the Commission changed the contribution base from gross interstate and international telecommunications revenues to end user interstate and international telecommunications revenues.

2. On March 6, 2000, the Commission released the *Improved TRS Order,* 65 FR 38490 (June 21, 2000), which amended the rules governing the delivery of TRS by expanding the kinds of relay services available to consumers and by improving the quality of relay services. The *Improved TRS Order* changed many of the definitions and standards for traditional TRS and added STS and Spanish relay services as requirements. It also permitted the recovery of VRS costs through the interstate TRS funding mechanism. Finally, the *Improved TRS Order* directed the Advisory Council and the Fund Administrator to develop recommendations for how the compensation formula for each service should be structured.

3. On November 9, 2000, the Advisory Council and the Fund Administrator submitted recommended guidelines outlining proposed cost recovery procedures for traditional TRS, STS, and VRS. The recommendations were originally placed on Public Notice on December 6, 2000, with comments due on January 5, 2001 and reply comments due on January 19, 2001. On July 9, 2001, a public notice was placed in the **Federal Register**, seeking additional comment on the recommendations. 66 FR 35765 (July 9, 2001).

4. On April 6, 2001, Hamilton filed a request for clarification and temporary waiver of certain aspects of the *Improved TRS Order* relating to the provision of VRS. Hamilton requested clarification and temporary, two-year waivers of portions of §§ 64.603 and 64.604 of the Commission's rules. On July 16, 2001 the Common Carrier Bureau (Bureau) issued a public notice seeking comment on Hamilton's waiver request.

Cost Recovery for Improved Traditional TRS

5. The Advisory Council and the Fund Administrator recommended that the Commission: (1) Continue to use the current national average costing and pricing methodology for the annual development of the interstate cost recovery reimbursement rate; (2) review the TRS Center Data Request to ensure that various sections and categories continue to be appropriate and up to date; (3) use the same allocation methodology in place today for allocating toll-free and 900 call minutes between interstate and intrastate demand; and (4) direct that Spanish relay costs be collected separately to test whether they are significantly different from English relay costs, and continue to reimburse providers on completed conversation minutes at a single national average reimbursement rate if there is no difference between the Spanish and English relay per-minute costs. The Commission adopts all except the fourth of these recommendations.

6. The Commission believes that the current average costing methodology represents an efficient and reasonable method of compensating eligible providers for the cost of furnishing interstate TRS. The Commission further believes that the average costing methodology will promote efficiency and that any cost increases incurred by providers will be minimal. Although the Commission believes that the current TRS Center Data Request captures all of the changes that were established by the *Improved TRS Order,* the Commission wants to ensure that all providers are fairly compensated. The Commission therefore directs the TRS administrator to review the TRS Center Data Request, and report to Bureau on an ongoing basis, any changes necessary to ensure that TRS providers are fairly compensated for additional costs imposed by the *Improved TRS Order.* The Commission also agrees with the Advisory Council and the Fund Administrator's recommendation that the same minutes of use allocation methodology in place for toll-free call minutes should be used for 900 call minutes. The Commission adopts the toll-free minutes methodology and find that it should be applied to 900 calls as well.

7. At this time, the Commission sees no need to adopt the Advisory Council and the Fund Administrator's recommendation that Spanish relay costs initially be collected separately and tested to determine whether they are significantly different from English relay costs. Because there is no evidence in the record that Spanish relay costs will differ significantly from English relay costs, the Commission conclude that providers should be reimbursed on completed conversation minutes for both English and Spanish relay costs at a single national average reimbursement rate. If, however, TRS providers believe that their costs for providing Spanish and English relay will differ significantly, they may track these data separately to verify that the costs are, in fact, different. If any TRS provider can demonstrate that the costs are different and, thus, that the services should be reimbursed at different rates, it may petition the Commission to establish different reimbursement rates for English and Spanish relay.

Cost Recovery for Speech-to-Speech Relay Service

8. The *Improved TRS Order* required STS to be in place by March 1, 2001. STS uses CAs who have been specially trained to understand different speech patterns, and to repeat the words spoken by the person with the speech disability. The Advisory Council and the Fund Administrator made the following recommendations for STS cost recovery: (1) The same cost recovery methodology used for computing the reimbursement rate in place today for traditional TRS interstate cost recovery could be used to develop the STS reimbursement rate; (2) due to its unique characteristics, a separate reimbursement rate based on STS costs and minutes should be calculated; (3) the TRS Center Data Request should be expanded to include specific STS sections to capture the costs and minutes separately from traditional TRS or VRS; and (4) providers should be reimbursed for completed conversation minutes at the national average reimbursement rate for STS. The Commission adopts each of these recommendations.

9. The Commission favors the national average per minute methodology used for traditional TRS and believe it should be applied to STS as well. The Commission also adopts a

separate per-minute national average compensation formula for STS and orders the TRS administrator to develop annually a national average STS reimbursement rate for compensating STS providers. As with traditional TRS, each provider of STS services will be compensated at the national average rate for every completed conversation minute. Given that STS service is of a more recent origin, the Commission does not yet have sufficient data to conduct an up-front evaluation of its costs. Consequently, the Commission adopts the Advisory Council and the Fund Administrator's recommendation that the TRS Center Data Request be expanded to capture separately STS costs and minutes. The Commission therefore orders the TRS administrator to expand the TRS Center Data Request to include specific sections to capture STS costs and completed conversation minutes for STS.

Cost Recovery for Video Relay Services

10. The *Improved TRS Order* did not require VRS, but did allow the costs of intrastate and interstate costs for VRS to be reimbursed from the interstate TRS Fund while the Commission continues to evaluate the service. The Advisory Council and the Fund Administrator made the following four recommendations with respect to VRS cost recovery: (1) The same methodology for rate development in place today for traditional TRS interstate cost recovery could be used to develop the VRS reimbursement rate; (2) providers should be reimbursed based on completed conversation minutes at a national average reimbursement rate; (3) the TRS Center Data Request should be expanded to include specific VRS sections to capture VRS costs and demand separately; and (4) due to its unique characteristics, a separate reimbursement rate based on VRS costs and demand should be calculated.

11. The Commission agrees with the Advisory Council and the Fund Administrator's recommendation that due to the unique characteristics of VRS, a separate reimbursement rate for VRS should be calculated. The Commission agrees with the Advisory Council and the Fund Administrator's recommendation that the TRS Center Data Request should be expanded to include specific sections to capture separately VRS costs and minutes for this service. The data provided to NECA by VRS providers demonstrate that VRS costs and payment requirements are materially different from those for traditional TRS. In light of the differences in technology and the reportedly higher cost associated with providing VRS, the Commission will require NECA to expand the TRS Data Request to include data that are specific to VRS. Thus, the Commission adopts these two aspects of the Advisory Council and the Fund Administrator's Recommendation regarding cost recovery for VRS.

12. The Commission declines at this time, however, to adopt permanently the Advisory Council and the Fund Administrator's recommendations to use the same methodology for rate development in place today for traditional TRS interstate cost recovery, and to develop a VRS reimbursement rate based on completed conversation minutes of use at a national average reimbursement rate. Although the national average compensation methodology has all the benefits that we described above, the Commission is not convinced that this methodology will provide adequate incentives to carriers to provide video relay services. The Commission finds that additional comments on this recommendation are necessary and seek comment in the *Further NPRM* related to this *MO&O* (Published elsewhere in this issue of the **Federal Register**.).

13. In the interim, the Commission directs the TRS administrator to establish an interim VRS cost recovery rate using the average per minute compensation methodology used for traditional TRS. The interim rate shall be in effect until such time that the Commission is able to collect and assess additional data regarding what the permanent VRS compensation methodology should be.

Petition for Clarification

14. In this *MO&O* the Commission clarifies that § 64.603 of the Commission's rules mandates the provision of STS generally, this mandate does not extend to relay service providers in their provision of VRS because VRS is in its infancy. Because the provision of VRS is not mandatory at this time, the Commission does not wish to make it more burdensome for the providers that wish to provide VRS on a voluntary basis. If, however, VRS providers choose to offer speech-to-speech service they will be eligible for reimbursement from the TRS fund. As VRS is deployed and demand for the service increases, the Commission may reexamine this issue.

15. The Commission also clarifies that, under the current rules, VRS providers are not required to provide Spanish relay service at this time. The Commission find that because VRS is still in its infancy and is not yet required, it is not feasible to require that it be provided in languages other than American Sign Language (ASL). If, however, VRS providers choose to offer Spanish relay service they will be eligible for reimbursement from the TRS fund. As Spanish relay services are deployed and demand for the service increases, the Commission may reexamine this issue.

Final Paperwork Reduction Act Analysis

16. This *MO&O* contains some new information collections for the cost recovery mechanism, which will be submitted to OMB for approval, as prescribed by the Paperwork Reduction Act.

Final Regulatory Flexibility Analysis

17. As required by the Regulatory Flexibility Act of 1980, as amended, (RFA), 5 U.S.C. 603, an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the **Federal Register** summary for the Interstate Fund Advisory Council and the TRS Fund Administrator's Recommended TRS Cost Recovery Guidelines. The Commission sought written public comment on the proposals in the cost recovery guidelines, including comment on the IRFA. The comments received addressed only the general recommendations, not the IRFA. This present Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA. 5 U.S.C. 604.

Need for, and Objective of this Memorandum Opinion and Order

18. This proceeding was initiated to formulate an appropriate method of cost recovery for TRS, VRS and STS relay service providers. These cost recovery methods take into account changes in the TRS market and technology as well as the development of the new VRS and STS services. The new cost recovery guidelines will allow all relay providers to efficiently and effectively recover their reimbursable costs. Such reimbursement will also encourage the development of new technologies to aid individuals with speech and hearing disabilities.

Summary of Significant Issues Raised by Public Comments in Response to the IRFA

19. No comments were filed in response to the IRFA in this proceeding. The Commission has nonetheless considered any potential significant economic impact of the rules on small entities. The comments filed in this proceeding address the recommendations of the Interstate Fund Advisory council and the TRS Fund

Administrator and do not specifically address small entities.

Description and Estimate of the Number of Small Entities to Which the Actions Taken Will Apply

20. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. 5 U.S.C. 604(a)(3). The RFA defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' 5 U.S.C. 601(6). In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. 5 U.S.C. 601(3). A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). 15 U.S.C. 632. We note that any small entities affected by action taken herein should not be adversely affected. Furthermore, like all other entities affected, this action aids small businesses by allowing them to recover costs for providing relay services. Below, we further describe and estimate the number of small entity licensees and regulatees that may be affected by these rules. The most reliable source of information regarding the total numbers of certain common carrier and related providers nationwide, as well as the numbers of commercial wireless entities, appears to be data the Commission publishes annually in its Telecommunications Industry Revenue report, regarding TRS.

21. *TRS Providers.* Neither the Commission nor the SBA has developed a definition of ''small entity'' specifically applicable to providers of telecommunications relay services (TRS). The closest applicable definition under the SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. The SBA defines such establishments to be small businesses when they have no more than 1,500 employees. According to the FCC's most recent data, there are approximately 12 interstate TRS providers, which consist of interexchange carriers, local exchange carriers, state-managed entities, and non-profit organizations. Approximately five or fewer of these entities are small businesses. The FCC notes that these providers include several large interexchange carriers and incumbent local exchange carriers. Some of these large carriers may only provide TRS service in a small area but they nevertheless are not small business entities. Consequently, the FCC estimates that there are fewer than 5 small TRS providers that may be affected by the proposed rules, if adopted.

22. *Wireline Carriers and Service Providers.* The SBA has developed a definition of small entities for telephone communications companies except radiotelephone (wireless) companies. The Census Bureau reports that there were 2,321 such telephone companies in operation for at least one year at the end of 1992. According to the SBA's definition, a small business telephone company other than a radiotelephone company is one employing no more than 1,500 persons. All but 26 of the 2,321 non-radiotelephone companies listed by the Census Bureau were reported to have fewer than 1,000 employees. Thus, even if 26 of these companies had more than 1,500 employees, there would still be 2,295 non-radiotelephone companies that might qualify as small entities or small incumbent local exchange carriers (LECs). The FCC does not have data specifying the number of these carriers that are not independently owned and operated, and thus are unable at this time to estimate with greater precision the number of wireline carriers and service providers that would qualify as small business concerns under the SBA's definition. Consequently, the FCC estimates that fewer than 2,295 small telephone communications companies other than radiotelephone companies are small entities or small incumbent LECs.

23. We have included small incumbent LECs in this present RFA analysis. As noted above, a ''small business'' under the RFA is one that, inter alia, meets the pertinent small business size standard (i.e., a telephone communications business having 1,500 or fewer employees), and ''is not dominant in its field of operation.'' 15 U.S.C. 632. The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent LECs are not dominant in their field of operation because any such dominance is not ''national'' in scope. We have therefore included small incumbent LECs in this RFA analysis, although we emphasize that this RFA action has no effect on FCC analyses and determinations in other, non-RFA contexts.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

24. The cost recovery requirements adopted herein should not require additional recordkeeping requirements for relay service providers. Providers have already been using similar methods to recover costs for traditional TRS and these methods are also similar to the new STS and VRS cost recovery guidelines. Furthermore, we are not mandating specific recordkeeping and compliance requirements. Rather, we are informing carriers that if they are seeking reimbursement there are guidelines to follow. How they record their data, however, is the carriers' choice. If any additional costs are imposed, they should be minimal because the tracking procedures are similar to those already in place for traditional TRS. Furthermore, these costs will impose no greater burden on small entities because all carriers must provide the same data for cost recovery. In addition, these measures will promote more efficient service and allow the TRS providers to be reimbursed more accurately for their costs, thus negating any minimal costs imposed by these requirements. Furthermore, the money received by small entities will enable them to more effectively compete in other areas such as the development of new technologies.

Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

25. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its approach, which may include the following four alternatives: (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities. 5 U.S.C. 603(c).

26. The Commission concludes that the cost recovery guidelines adopted herein will have no adverse economic impact on small entities because these rules are designed to allow all providers, including all small entities to be accurately reimbursed. Furthermore, the Advisory Council, which proposed guidelines for the rules herein, consists of members of state regulatory bodies, relay users, members of the disabilities community, large and small TRS providers, and large and small TRS contributors. As a result, the cost recovery measures adopted herein are the result of input from the industry, including small business entities.

27. The Commission considered certain alternatives and found the measures adopted herein to be the most appropriate. For example, for Spanish language relay, we considered the alternative of requiring these costs to be collected separately and tested to determine whether they are significantly different from English relay costs. After careful analysis, however, we concluded that Spanish and English relay costs were sufficiently similar to calculate reimbursement based on completed conversation minutes for both Spanish and English relay.

28. In addition, because of the unique characteristic of the developing VRS market, we declined to adopt permanently the alternatives suggested by the Advisory Council and the Fund Administrator, *i.e.* the recommendation to use the same methodology for rate development in place today for traditional TRS interstate cost recovery for the development of a VRS reimbursement rate. We also declined to develop, as an alternative, a VRS reimbursement rate based on completed conversation minutes of use at a national average reimbursement rate. Although the national average compensation methodology has all the benefits that we described above, we are not convinced that this methodology will provide adequate incentives to carriers to provide video relay services. Instead, we found that additional comments on these recommendations are necessary and seek comment in the *Further NRPM* related to this *MO&O* (Published elsewhere in this issue of the **Federal Register**.).

29. Accordingly, this *MO&O* directs the TRS administrator to adopt an interim VRS cost recovery rate using the average per minute compensation methodology used for traditional TRS. Such an interim methodology will allow the Commission time to further consider VRS cost recovery and evaluate the comments on these recommendations that will be received in response to the *Further NPRM* related to this *MO&O.*

30. Thus, while significant alternatives have been considered, we believe that the actions taken herein are in the best interests of all entities, including small businesses.

Report to Congress

31. The Commission will send a copy of the *Memorandum Opinion and Order*, including this FRFA, in a report to be sent to Congress pursuant to the Congressional Review Act. 5 U.S.C. 801(a)(1)(A). In addition, the Commission will send a copy of the Memorandum Opinion and Order including FRFA, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the *Memorandum Opinion and Order* and FRFA (or summaries thereof) will also be published in the **Federal Register**. 5 U.S.C. 604(b).

Ordering Clauses

32. Pursuant to the authority contained in § 64.604 of the Commission's Rules, 47 CFR 64.604, and in sections 1, 2, 4, 225, 255 and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154, 225, 255, 303(r) the recommendations of the Advisory Council and the Fund Administrator relating to traditional TRS and STS *are adopted* to the extent described herein.

33. Pursuant to the authority contained in § 64.604 of the Commission's Rules, 47 CFR 64.604, and in sections 1, 2, 4, 225, 255 and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154, 225, 255, 303(r) the recommendations of the Advisory Council and the Fund Administrator relating to the need for a separate reimbursement rate for VRS and expansion of the TRS Data Center Request to include specific sections for VRS reporting *are adopted* as described herein.

34. Pursuant to the authority contained in § 64.604 of the Commission's Rules, 47 CFR 64.604, and in sections 1, 2, 4, 225, 255 and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154, 225, 255, 303(r) the TRS administrator *shall use* the TRS reimbursement rate methodology, on an interim basis, to develop the VRS reimbursement rate, pending further action by the Commission.

35. Pursuant to the authority contained in § 64.603 of the Commission's Rules, 47 CFR 64.603, and in sections 1, 2, 4, 225, 255 and 303(r), of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154, 225, 255, 303(r) § 64.603 of the Commission's rules does not require VRS providers to offer Speech-to-Speech services or Spanish relay services at this time.

36. The collections of information contained herein are contingent upon approval by the Office of Management and Budget and will go into effect upon announcement in the **Federal Register**.

37. The Commission's Consumer Information Bureau, Reference Information Center, *shall send* a copy of this *Memorandum Opinion and Order*, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of Small Business Administration.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. 02–1982 Filed 1–28–02; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF DEFENSE

48 CFR Parts 202, 215, 219, 242, and 246, and Appendix G to Chapter 2

Defense Federal Acquisition Regulation Supplement; Technical Amendments

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is making technical amendments to the Defense Federal Acquisition Regulation Supplement to update activity names and addresses, to reflect the extension of a memorandum of understanding, and to delete text that duplicates text found in the Federal Acquisition Regulation.

EFFECTIVE DATE: January 29, 2002.

FOR FURTHER INFORMATION CONTACT: Ms. Michele Peterson, Defense Acquisition Regulations Council, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0311; facsimile (703) 602–0350.

List of Subjects in 48 CFR Parts 202, 215, 219, 242, and 246

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 202, 215, 219, 242, and 246, and Appendix G to Chapter 2 are amended as follows:

1. The authority citation for 48 CFR Parts 202, 215, 219, 242, and 246, and Appendix G to subchapter I continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 202—DEFINITIONS OF WORDS AND TERMS

202.101 [Amended]

2. Section 202.101 is amended in the definition of ''Contracting activity'', under the heading ''NAVY'' as follows:

a. By removing the entry ''Headquarters, U.S. Marine Corps''; and

b. In the entry ''Marine Corps Material Command'' by revising ''Material'' to read ''Materiel''.

PART 215—CONTRACTING BY NEGOTIATION

215.404–76 [Amended]

3. Section 215.404–76 is amended in paragraph (b), in the table, under the Heading ''ARMY'', by removing ''U.S. Army, Contracting Support Agency, ATTN: SARD–RS, 5109 Leesburg Pike, Suite 916'' and adding in its place ''Headquarters, Department of the Army, ATTN: SAAL–PA, Skyline 6, Suite 302, 5109 Leesburg Pike''.

PART 219—SMALL BUSINESS PROGRAMS

219.800 [Amended]

4. Section 219.800 is amended in paragraph (a), in the third sentence, by removing ''December 31, 2001'' and adding in its place ''March 31, 2002''.

PART 242—CONTRACT ADMINISTRATION AND AUDIT SERVICES

5. Section 242.1203 is amended in paragraph (b)(2)(A) by revising the Navy entry to read as follows:

242.1203 Processing agreements.

(b)(2)(A) * * *

Navy ..... Office of the Assistant Secretary of the Navy, Research, Development & Acquisition, Acquisition and Business Management, 2211 South Clark Place, Room 578, Arlington, VA 22202–3738.

* * * * *

PART 246—QUALITY ASSURANCE

246.407 [Amended]

6. Section 246.407 is amended by removing paragraphs (1) and (2).

Appendix G—Activity Address Numbers

7. Appendix G to Chapter 2 is amended in Part 3 by adding a new entry ''N39826'', and by removing entry ''N62913'' the second time it appears. The added text reads as follows:

PART 3—NAVY ACTIVITY ADDRESS NUMBERS

* * * * *

N39826, L5L Fleet and Industrial Supply Center, Norfolk Detachment Earle, 201 Highway 34 South, Building C–33, Colts Neck, NJ 07722–5019

* * * * *

[FR Doc. 02–2054 Filed 1–28–02; 8:45 am]

BILLING CODE 5001–08–U

DEPARTMENT OF DEFENSE

48 CFR Parts 209, 212, 213, 217, 222, and 252

[DFARS Case 97–D314]

Defense Federal Acquisition Regulation Supplement; Veterans Employment Emphasis

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to remove text pertaining to contractor reporting on employment of veterans, because the reporting requirements have been added to the Federal Acquisition Regulation.

EFFECTIVE DATE: January 29, 2002.

FOR FURTHER INFORMATION CONTACT: Ms. Angelena Moy, Defense Acquisition Regulations Council, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–1302; facsimile (703) 602–0350. Please cite DFARS Case 97–D314.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule removes DFARS requirements pertaining to contractor reporting on employment of veterans. The DFARS requirements were published as an interim rule at 63 FR 11850 on March 11, 1998. The DFARS text is no longer necessary, because the reporting requirements were added to the Federal Acquisition Regulation in Item IV of Federal Acquisition Circular 2001–01 on October 22, 2001 (66 FR 53487).

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule merely eliminates requirements that duplicate those found in the Federal Acquisition Regulation.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 209, 212, 213, 217, 222, and 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 209, 212, 213, 217, 222, and 252 are amended as follows:

1. The authority citation for 48 CFR Parts 209, 212, 213, 217, 222, and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 209—CONTRACTOR QUALIFICATIONS

209.104–1 [Amended]

2. Section 209.104–1 is amended by removing paragraph (g)(iii).

209.104–70 [Amended]

3. Section 209.104–70 is amended by removing paragraph (c).

PART 212—ACQUISITION OF COMMERCIAL ITEMS

212.503 [Amended]

4. Section 212.503 is amended by removing paragraph (a)(xii).

PART 213—SIMPLIFIED ACQUISITION PROCEDURES

213.005 [Removed]

5. Section 213.005 is removed.

PART 217—SPECIAL CONTRACTING METHODS

217.207 [Removed]

6. Section 217.207 is removed.

PART 222—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

222.1304 [Removed]

7. Section 222.1304 is removed.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.209–7003 [Removed and Reserved]

8. Section 252.209–7003 is removed and reserved.

[FR Doc. 02–2056 Filed 1–28–02; 8:45 am]

BILLING CODE 5001–08–U

DEPARTMENT OF DEFENSE

48 CFR Part 225

[DFARS Case 2001–D019]

Defense Federal Acquisition Regulation Supplement; Memorandum of Understanding—Switzerland

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to reflect a determination of the Deputy Secretary of Defense that it is inconsistent with the public interest to apply the restrictions of the Buy American Act to the acquisition of defense equipment produced or manufactured in Switzerland.

EFFECTIVE DATE: January 29, 2002.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, Defense Acquisition Regulations Council, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0288; facsimile (703) 602–0350. Please cite DFARS Case 2001–D019.

SUPPLEMENTARY INFORMATION:

A. Background

A memorandum of understanding between the Government of the Swiss Confederation and the Government of the United States provides for both governments to remove barriers to procurements of conventional defense supplies produced in the other country, and to accord to industries in the other country treatment no less favorable in relation to procurement than is accorded to industries of its own country. Therefore, DoD has determined that it is inconsistent with the public interest to apply the restrictions of the Buy American Act to the acquisition of defense equipment produced or manufactured in Switzerland. This final rule amends DFARS 225.872–1 to add Switzerland to the list of countries for which DoD has made such public interest determinations, and to remove Switzerland from the list of countries for which exemption from the Buy American Act is permitted only on a purchase-by-purchase basis.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

This final rule will not have a significant effect beyond the internal operating procedures of DoD. Therefore, publication for public comment is not required. However, DoD will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 2001–D019.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 225

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 225 is amended as follows:

1. The authority citation for 48 CFR Part 225 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 225—FOREIGN ACQUISITION

225.872–1 [Amended]

2. Section 225.872–1 is amended as follows:

a. In paragraph (a) by adding, in alphabetical order, ''Switzerland'' to the list of countries; and

b. In paragraph (b) by removing ''Switzerland'' from the list of countries.

[FR Doc. 02–2055 Filed 1–28–02; 8:45 am]

BILLING CODE 5001–08–U

DEPARTMENT OF DEFENSE

48 CFR Part 252

[DFARS Case 2000–D027]

Defense Federal Acquisition Regulation Supplement; Tax Exemptions (Italy)

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to update requirements pertaining to tax exemptions for DoD contracts performed in Italy.

EFFECTIVE DATE: January 29, 2002.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Schneider, Defense Acquisition Regulations Council, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0326; facsimile (703) 602–0350. Please cite DFARS Case 2000–D027.

SUPPLEMENTARY INFORMATION:

A. Background

DoD uses the contract clause at DFARS 252.229–7003, Tax Exemptions (Italy), when contract performance will be in Italy. This rule amends the clause at DFARS 252.229–7003 to update the information pertaining to tax exemptions that contractors must include on their invoices.

DoD published a proposed rule at 66 FR 48652 on September 11, 2001. DoD received no comments on the proposed rule. Therefore, DoD is adopting the proposed rule as a final rule without change.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule makes minor changes to invoicing requirements that apply only to DoD contracts performed in Italy.

C. Paperwork Reduction Act

This rule does not add any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 252 is amended as follows:

1. The authority citation for 48 CFR Part 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

2. Section 252.229–7003 is revised to read as follows:

252.229–7003 Tax Exemptions (Italy).

As prescribed in 229.402–70(c), use the following clause:

Tax Exemptions (Italy) (Jan 2002)

(a) The Contractor represents that the contract price, including the prices in subcontracts awarded under this contract, does not include taxes from which the United States Government is exempt.

(b) The United States Government is exempt from payment of Imposta Valore Aggiunto (IVA) tax in accordance with Article 72 of the IVA implementing decree on all supplies and services sold to United States Military Commands in Italy.

(1) The Contractor shall include the following information on invoices submitted to the United States Government:

(i) The contract number.

(ii) The IVA tax exemption claimed pursuant to Article 72 of Decree Law 633, dated October 26, 1972.

(iii) The following fiscal code(s): *[Contracting Officer must insert the applicable fiscal code(s) for military activities within Italy: 80028250241 for Army, 80156020630 for Navy, or 91000190933 for Air Force].*

(2)(i) Upon receipt of the invoice, the paying office will include the following certification on one copy of the invoice:

''I certify that this invoice is true and correct and reflects expenditures made in Italy for the Common Defense by the United States Government pursuant to international agreements. The amount to be paid does not include the IVA tax, because this transaction is not subject to the tax in accordance with Article 72 of Decree Law 633, dated October 26, 1972.'' An authorized United States Government official will sign the copy of the invoice containing this certification.

(ii) The paying office will return the certified copy together with payment to the Contractor. The payment will not include the amount of the IVA tax.

(iii) The Contractor shall retain the certified copy to substantiate non-payment of the IVA tax.

(3) The Contractor may address questions regarding the IVA tax to the Ministry of Finance, IVA Office, Rome (06) 520741.

(c) In addition to the IVA tax, purchases by the United States Forces in Italy are exempt from the following taxes:

(1) Imposta di Fabbricazione (Production Tax for Petroleum Products).

(2) Imposta di Consumo (Consumption Tax for Electrical Power).

(3) Dazi Doganali (Customs Duties).

(4) Tassa di Sbarco e d'Imbarco sulle Merci Transportate per Via Aerea e per Via Maritima (Port Fees).

(5) Tassa de Circolazione sui Veicoli (Vehicle Circulation Tax).

(6) Imposta di Registro (Registration Tax).

(7) Imposta di Bollo (Stamp Tax).

(End of clause)

[FR Doc. 02–2057 Filed 1–28–02; 8:45 am]

BILLING CODE 5001–08–U

DEPARTMENT OF DEFENSE

48 CFR Part 252

[DFARS Case 2000–D302]

Defense Federal Acquisition Regulation Supplement; Caribbean Basin Country End Products

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has adopted as final, without change, an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement section 211 of the United States-Caribbean Basin Trade Partnership Act and determinations of the United States Trade Representative as to which countries qualify for enhanced trade benefits under that Act.

EFFECTIVE DATE: January 29, 2002.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, Defense Acquisition Regulations Council, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0288; facsimile (703) 602–0350. Please cite DFARS Case 2000–D302.

SUPPLEMENTARY INFORMATION:

A. Background

This rule implements Section 211 of the United States-Caribbean Basin Trade Partnership Act (Title II of Public Law 106–200) and determinations of the United States Trade Representative published at 65 FR 60236 on October 10, 2000; 65 FR 69988 on November 21, 2000; and 65 FR 78527 on December 15, 2000. The rule amends the clauses at DFARS 252.225–7007, Buy American Act—Trade Agreements—Balance of Payments Program, and 252.225–7021, Trade Agreements, to remove Panama from the definition of ''Caribbean Basin country'' and to clarify which Caribbean Basin country products are subject to duty-free treatment.

DoD published an interim rule at 66 FR 47112 on September 11, 2001. DoD received no comments on the interim rule. Therefore, DoD is converting the interim rule to a final rule without change.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule affects only a limited number of textile and apparel articles from certain Caribbean Basin countries. Other statutory requirements still prohibit DoD from acquiring most of these articles from other than domestic sources.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Interim Rule Adopted as Final Without Change

Accordingly, the interim rule amending 48 CFR Part 252, which was published at 66 FR 47112 on September 11, 2001, is adopted as a final rule without change.

[FR Doc. 02–2053 Filed 1–28–02; 8:45 am]

BILLING CODE 5001–08–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 001005281–0369–02; I.D. 011802A]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Increase

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

ACTION: Trip limit increase.

SUMMARY: NMFS increases the trip limit in the commercial hook-and-line fishery for king mackerel in the Florida east coast subzone to 75 fish per day in or from the exclusive economic zone (EEZ). This trip limit increase is necessary to maximize the socioeconomic benefits of the quota.

DATES: This rule is effective 12:01 a.m., local time, February 1, 2002, through March 31, 2002, unless changed by further notification in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Mark Godcharles, telephone: 727–570–5305, fax: 727–570–5583, e-mail: Mark.Godcharles@noaa.gov.

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, cero, cobia, little tunny, dolphin, and, in the Gulf of Mexico only, bluefish) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Based on the Councils' recommended total allowable catch and the allocation ratios in the FMP, on April 30, 2001 (66 FR 17368, March 30, 2001) NMFS implemented a commercial quota of 2.25 million lb (1.02 million kg) for the eastern zone (Florida) of the Gulf migratory group of king mackerel. That quota is further divided into separate quotas for the Florida east coast subzone and the northern and southern Florida west coast subzones. The quota newly implemented for the Florida east coast subzone is 1,040,625 lb (472,020 kg) (50 CFR 622.42 (c)(1)(i)(A) (*1*)).

In accordance with 50 CFR 622.44 (a)(2)(i), beginning on February 1, if less than 75 percent of the Florida east coast subzone's quota has been harvested by that date, king mackerel in or from that subzone's EEZ may be possessed on board or landed from a permitted vessel in amounts not exceeding 75 fish per day. The 75–fish daily trip limit will continue until a closure of the subzone's fishery has been effected or the fishing year ends on March 31.

NMFS has determined that 75 percent of the quota for Gulf group king mackerel for vessels using hook-and-line gear in the Florida east coast subzone will not be reached before February 1, 2002. Accordingly, a 75–fish trip limit applies to vessels in the commercial hook-and-line fishery for king mackerel in or from the EEZ in the Florida east coast subzone effective 12:01 a.m., local time, February 1, 2002. The 75–fish trip limit will remain in effect until the fishery closes or until the end of the current fishing season (March 31, 2002) for this subzone. From November 1 through March 31, the Florida east coast subzone of the Gulf group king mackerel is that part of the eastern zone north of 25°20.4′ N. lat. (a line directly east from the Miami-Dade County, FL, boundary).

Classification

This action responds to the best available information recently obtained from the fishery. The increased trip limit must be implemented immediately because less than 75 percent of the quota was harvested before February 1, 2002. This trip limit increase relieves a restriction. Therefore, any delay in implementing this action would be impractical and contradictory to the Magnuson-Stevens Act, the FMP, and the public interest. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553 (d), a delay in the effective date is waived.

This action is taken under 50 CFR 622.44 (a)(2)(iii) and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 22, 2002.

Jonathan M. Kurland,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 02–2128 Filed 1–24–02; 4:52 pm]

BILLING CODE 3510–22–S

Rules and Regulations

Federal Register
Vol. 67, No. 19
Tuesday, January 29, 2002

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF ENERGY

10 CFR Part 1008

RIN 1901–AA69

Privacy Act; Implementation

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) amends its Privacy Act regulation by adding three systems of records to the list of systems exempted from certain subsections of the Act. Exemptions for two systems of records are needed to enable the Office of Employee Concerns and the Office of Hearings and Appeals to perform their duties and responsibilities with regard to investigation and adjudication of employee and contractor employee concerns or complaints, pursuant to the whistleblower protection provisions and applicable laws. An exemption for a third system of records is needed to enable the Office of Intelligence to perform its duties and responsibilities.

EFFECTIVE DATE: This final rule is effective February 28, 2002.

FOR FURTHER INFORMATION CONTACT: Abel Lopez (Privacy Act Officer), (202) 586–5955; William Lewis (program contact for Office of Employee Concerns), (202) 586–6530; William Schwartz (program contact for Office of Hearings and Appeals), (202) 287–1522; or Caryl Butler Gross (program contact for Office of Intelligence), (202) 586–5172.

SUPPLEMENTARY INFORMATION:

I. Background
II. Summary of Final Rule
A. Systems of Records Exempted
B. Basis for Exemptions
1. Subsection (k)(1) Exemption
2. Subsection (k)(2) Exemption
3. Subsection (k)(5) Exemption
III. Regulatory and Procedural Requirements
A. Review Under Executive Order 12866
B. Review Under Executive Order 12988
C. Review Under the Regulatory Flexibility Act
D. Review Under the Paperwork Reduction Act
E. National Environmental Policy Act
F. Review under Executive Order 13132
G. Review Under the Unfunded Mandates Reform Act of 1995
H. Review Under the Treasury and General Government Appropriations Act, 1999
I. Review Under Executive Order 13084
J. Review Under Executive Order 13211
K. Congressional Notification

I. Background

Pursuant to the Privacy Act of 1974 (the Act), as amended (5 U.S.C. 552a(j) and (k)), the Secretary of Energy is authorized to promulgate rules, in accordance with the notice and comment requirements in 5 U.S.C. 553, to exempt any system of records within the agency from certain subsections of the Act. The Department of Energy (DOE) is adding three new systems of records to the list of systems of records exempted from certain subsections of the Act.

One of the exemptions will enable the Office of Employee Concerns to carry out its investigative duties and responsibilities. DOE and contractor employees have the right and responsibility to report concerns relating to the environment, safety, health, or management of Department operations. The Employee Concerns Program is designed to encourage open communication; inform employees of the proper forum for consideration of their concerns; ensure employees can raise issues without fearing reprisal; address employee concerns in a timely and objective manner; and provide employees an avenue for consideration of concerns that fall outside existing systems. Employee Concerns Program records include concerns or complaints brought to the attention of DOE Employee Concerns Program offices. These records include the receipt of complaints filed under 10 CFR part 708, the DOE Contractor Employee Protection Program.

A second exemption will enable the Office of Hearings and Appeals to carry out its investigative and adjudicatory responsibilities under 10 CFR part 708 and other whistleblower protection laws. These responsibilities include investigating allegations of acts of reprisal taken against a DOE contractor employee who claims to have made a protected disclosure, as defined in 10 CFR part 708, and subsequently processing such ''whistleblower'' claims, including hearings and appeals on such matters. These responsibilities also include investigating allegations of acts of reprisal taken against a DOE employee or DOE contractor employee who claims to have made a protected disclosure pursuant to section 3164 of the National Defense Authorization Act for FY 2000 (Pub. L. 106–65), codified in 42 U.S.C. 7239.

The third exemption will enable the Office of Intelligence to carry out its duties and responsibilities involving national security. More specifically, these include controlling access to and use of Sensitive Compartmented Information (SCI) and other classified intelligence information bearing the Director, Central Intelligence (DCI) authorized control markings; approving access to SCI in compliance with DCI directives; and conducting eligibility determinations, adjudications, revocations and appeals from denials and revocations.

A notice of proposed rulemakng was published in the **Federal Register** on June 14, 2001 (66 FR 32272), following publication of DOE's comprehensive systems notice on May 16, 2001 (66 FR 27300). No public comments were received on the proposed rule.

II. Summary of Final Rule

A. Systems of Records Exempted

Today's final rule amends § 1008.12 (b) of DOE's Privacy Act regulation to exempt the following three new systems of records from certain subsections of the Privacy Act (5 U.S.C. 552a):

The system of records ''Employee Concerns Program Records'' (DOE–3) will be exempt from subsections (c)(3), (d)(2), and (e)(1) of 5 U.S.C. 552a pursuant to subsections (k)(1), (2), and (5) to the extent that information in this system meets the requirements of those subsections of the Act.

The system of records ''Whistleblower Investigation, Hearing and Appeal Records'' (DOE–7) will be exempt from subsections (c)(3), (d)(2), and (e)(1) of 5 U.S.C. 552a pursuant to subsections (k)(1), (2), and (5) to the extent that information in this system meets the requirements of those subsections of the Act.

The system of records ''Intelligence Related Access Authorization'' (DOE–15) will be exempt from subsections

(c)(3), (d), (e)(1), (e)(4)(G) and (H), and (f) of 5 U.S.C. 552a pursuant to subsections (k)(1), (2), and (5) to the extent that information in this system meets the requirements of those subsections of the Act. This system of records will consist of administrative records of DOE and contractor employees, consultants, and certain persons applying for, granted or denied access to certain categories of classified information. The purpose of the system is to satisfy the requirements of Executive Order 12968, the Department of Energy Procedures for Intelligence Activities, and DOE Order 5670.1A ''Management and Control of Foreign Intelligence.''

B. Basis for Exemptions

The detailed reasons for exemptions of the three systems of records under 5 U.S.C. 552a(k)(1), (2) and (5) are as follows:

1. *Subsection (k)(1) Exemption.* Under subsection (k)(1) of the Act records may be exempted that are ''specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order'' (5 U.S.C. 552(b)(1)). To the extent that records in these systems are classified pursuant to an Executive Order, they may not be disclosed. Therefore, this exemption will apply as follows:

(a) Except for disclosures made under (b)(7) of the Act, 5 U.S.C. 552a(c)(3) requires that upon request, an agency must give an individual named in a record an accounting that reflects the disclosure of the record to other persons or agencies. This accounting must state the date, nature, and purpose of each disclosure of the record and the name and address of the recipient. Under subsection (k)(1) of the Act, records may be exempted that are specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order. To the extent that records in these systems are classified pursuant to an Executive Order, they may not be disclosed.

DOE has programs involving classified material that may be the subject of a whistleblower complaint, and the Office of Intelligence handles certain types of classified information. The application of the Act's accounting provision to records involving properly classified material could reveal classified material. If information about classified material were disclosed, national security might be compromised. An example of an issue involving classified material that can affect national security would be a whistleblower complaint that discusses security measures at a particular weapons facility. Such information could be used to the detriment of national security.

(b) These systems also are exempt from 5 U.S.C. 552a(d)(2). To require the Office of Employee Concerns, the Office of Hearings and Appeals and the Office of Intelligence to amend information thought to be incorrect, irrelevant, or untimely because of the nature of the information collected and the essential length of time it is maintained, would create an impossible administrative and investigative burden by forcing the agency to continuously retrograde its investigations and access adjudications in response to questions involving the accuracy of these investigations and adjudications.

(c) 5 U.S.C. 552a(e)(1) requires each agency to maintain in its records only such information about an individual that is relevant and necessary to accomplish a purpose of the agency required by statute or Executive Order. The Office of Intelligence maintains records relating to authorization for individuals to have access to classified information. The Office of Employee Concerns and the Office of Hearings and Appeals do not create the material they collect and have no control over the content of that material. An exemption from the foregoing provision is needed because:

(i) It is not always possible to assess the relevance or necessity of specific information in the early stages of an investigation that involves use of properly classified information or of an adjudication of access to classified national security information.

(ii) Relevance and necessity are questions of judgment and timing, and it is only after the information is evaluated that the relevancy and necessity of such information can be established. Furthermore, information outside the scope of the jurisdiction of the Office of Employee Concerns and the Office of Hearings and Appeals may be helpful in establishing patterns of activities or problems, or in developing information that should be referred to other entities. Such information cannot always readily be segregated. Likewise, in any adjudication of access, information may be obtained concerning violations of laws other than those within the scope of the adjudication. In the interest of effective law enforcement, such information should be retained for dissemination to appropriate law enforcement agencies.

(iii) In interviewing persons or obtaining information from other sources during an adjudication, including the background investigation, information may be supplied to the investigator that relates to matters incidental to the main purpose of the inquiry or investigation, but that also relates to matters under the jurisdiction of another agency. Such information cannot be readily segregated.

2. *Subsection (k)(2) Exemption.* Subsection (k)(2) permits the exemption of investigatory material compiled for law enforcement purposes, other than material within the scope of 5 U.S.C. 552a(j)(2), provided, however, that if any individual is denied any right, privilege, or benefit to which he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual. The material will be provided except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

(a) Except for disclosures made under (b)(7) of the Act, 5 U.S.C. 552a(c)(3) requires that upon request, an agency must give an individual named in a record an accounting that reflects the disclosure of the record to other persons or agencies. This accounting must state the date, nature, and purpose of each disclosure of the records and the name and address of the recipient. To the extent that such an accounting would lead directly or indirectly to the disclosure of the identity of a source as described above, the (k)(2) exemption is applicable.

(b) These systems also are exempt from 5 U.S.C. 552a(d)(2). To require the Office of Employee Concerns, the Office of Hearings and Appeals and the Office of Intelligence to amend information thought to be incorrect, irrelevant, or untimely, because of the nature of the information collected and the essential length of time it is maintained, would create an impossible administrative and investigative burden by forcing the agency to continuously review its investigations and access adjudications.

(c) 5 U.S.C. 552a(e)(1) requires each agency to maintain in its records only such information about an individual that is relevant and necessary to accomplish a purpose of the agency

required by statute or Executive Order. An exemption from the foregoing is needed because:

(i) It is not always possible to assess the relevance or necessity of specific information in the early stages of an investigation involving employee complaints or concerns and whistleblowing, or of an adjudication of access to classified national security information.

(ii) Relevance and necessity are questions of judgment and timing. What appears relevant and necessary when collected may ultimately be determined to be unnecessary. It is only after the information is evaluated or the investigation, hearing or appeal is completed that the relevancy and necessity of such information can be established.

(iii) In investigating an employee complaint or conducting a whistleblower proceeding, or in the adjudication of access to classified national security information, the relevant office may obtain information concerning the violation of laws other than those within the scope of its jurisdiction. In the interest of effective law enforcement, these offices should be able to retain this information as it may aid in establishing patterns of program violations or criminal activity and provide leads for those law enforcement agencies charged with enforcing criminal or civil law.

(iv) In addition, information obtained by these offices may relate not only to an investigation or proceeding under 10 CFR part 708 or to an adjudication of access to classified national security information, but also to matters under the jurisdiction of another agency. Such information cannot be readily segregated and should be retained for dissemination to appropriate law enforcement agencies charged with enforcing other criminal or civil law.

(d) The Office of Intelligence system of records is exempt from paragraphs (d), (e)(4)(G) and (H), and (f) as they relate to an individual's right to be notified of the existence of records pertaining to such individual; requirements for identifying an individual who requests access to records; and agency procedures relating to access to records and the content of information contained in such records. The reason for this exemption is that to notify an individual of the existence of records in an investigative file could interfere with investigations undertaken in connection with national security, or could disclose the identity of sources kept secret to protect national security, or could reveal confidential information supplied by these sources.

3. *Subsection (k)(5) Exemption.* The (k)(5) exemption is for investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information. The (k)(5) exemption applies only to the extent that disclosure would reveal the identity of a source who furnished information under an express promise of confidentiality. Where this is the case, the (k)(5) exemption applies as follows:

(a) Except for disclosures made under (b)(7) of the Act, 5 U.S.C. 552a(c)(3) requires that upon request, an agency must give an individual named in a record an accounting which reflects the disclosure of the record to other persons or agencies. This accounting must state the date, nature, and purpose of each disclosure of the records and the name and address of the recipient. To the extent that such an accounting would lead directly or indirectly to the disclosure of the identity of a source as described above, the (k)(5) exemption is applicable.

(b) 5 U.S.C. 552a(e)(1) requires each agency to maintain in its records only such information about an individual that is relevant and necessary to accomplish a purpose of the agency required by statute or Executive Order. Any information compiled solely for one of the purposes enumerated in (k)(5), *e.g.,* determining access to sensitive or classified information is properly subject to the (k)(5) exemption when it reveals confidential sources or confidential information. An exemption from the foregoing is needed because:

(i) It is not always possible to assess the relevance or necessity of specific information in the early stages of an investigation of a complaint or concern that may involve whistleblowing, or in the early stages of an adjudication of access to classified national security information.

(ii) Relevance and necessity are questions of judgment and timing. What appears relevant and necessary when collected may ultimately be determined to be unnecessary. It is only after the information is evaluated or the investigation, hearing or appeal is completed that the relevancy and necessity of such information can be established.

(iii) In investigating an employee complaint or concern or in conducting a whistleblower proceeding, or in the adjudication of access to classified national security information, the relevant office may obtain information concerning the violation of laws other than those within the scope of its jurisdiction. In the interest of effective law enforcement, these offices should be able to retain this information as it may aid in establishing patterns of program violations or criminal activity and provide leads for those law enforcement agencies charged with enforcing criminal or civil law.

(iv) Information obtained by the Office of Employee Concerns, the Office of Hearings and Appeals, or the Office of Intelligence in an investigation or adjudication, may relate to the DOE proceeding as well as to matters under the jurisdiction of another agency. Such information cannot be readily segregated and in the interest of effective law enforcement, such information should be retained for dissemination to appropriate law enforcement agencies charged with enforcing other criminal or civil law.

(c) 5 U.S.C. 552a(c)(4) requires disclosure of corrections or notations of disputes in records made in accordance with subsection (d). These systems are exempt from paragraph (d)(2) of the Act because to require the Office of Employee Concerns, the Office of Hearings and Appeals or the Office of Intelligence to amend information thought to be incorrect, irrelevant, or untimely, because of the nature of the information collected and the essential length of time it is maintained, would create an impossible administrative and investigative burden by forcing the agency to continuously retrograde its investigations and adjudications in response to questions involving the accuracy of these investigations and adjudications.

(d) 5 U.S.C. 552a(d), (e)(4)(G) and (H), and (f) relate to the following: a individual's right to be notified of the existence of records pertaining to such individual; requirements for identifying an individual who requests access to records; and agency procedures relating to access to records and the content of information contained in such records. The Office of Intelligence's system of records is exempt from the foregoing provisions because to notify an individual of the existence of records in an investigative file or to grant access to an investigative file could interfere with investigations undertaken in connection with national security, or could disclose the identity of sources kept secret to protect national security, or could reveal confidential information supplied by these sources.

III. Regulatory and Procedural Requirements

A. Review Under Executive Order 12866

Today's regulatory action has been determined not to be ''a significant regulatory action'' under Executive Order 12866, ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Accordingly, this action was not subject to review under that Executive Order by the Office of Information and Regulatory Affairs of the Office of Management and Budget.

B. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform'' (61 FR 4729, February 7, 1996) imposes on Executive agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard and promote simplification and burden reduction. With regard to the review required by section 3(a), section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this rule meets the relevant standards of Executive Order 12988.

C. Review Under the Regulatory Flexibility Act

This rule was reviewed under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, which requires preparation of a regulatory flexibility analysis for any rule that is likely to have a significant economic impact on a substantial number of small entities. This rule will have no impact on interest rates, tax policies or liabilities, the cost of goods or services, or other direct economic factors. It also will not have any indirect economic consequences. DOE certifies that this rule will not have a significant economic impact on a substantial number of small entities and, therefore, no regulatory flexibility analysis has been prepared.

D. Review Under the Paperwork Reduction Act

No new information collection or record keeping requirements are imposed by this rule. Accordingly, no clearance by the Office of Management and Budget is required under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

E. Review Under the National Environmental Policy Act

DOE has concluded that this rule would not represent a major Federal action having significant impact on the human environment, as determined by DOE's regulations implementing the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Specifically, this rule amends an existing regulation and does not change its environmental impact, and, therefore, is covered under the Categorical Exclusion in paragraph A5 of Appendix A to subpart D, 10 CFR part 1021. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

F. Review under Executive Order 13132

Executive Order 13132, ''Federalism'' (64 FR 43255, August 4, 1999), imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. Agencies are required to examine the constitutional and statutory authority supporting any action that would limit the policy making discretion of the States and carefully assess the necessity for such actions. DOE has examined today's rule and has determined that it does not preempt State law and does not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. No further action is required by Executive Order 13132.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written assessment of the effects of any Federal mandate in a proposed or final rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million in any one year. The Act also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and tribal governments on a proposed ''significant intergovernmental mandate,'' and it requires an agency to develop a plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirement that might significantly or uniquely affect them. This rule does not contain any Federal mandate and, therefore, these requirements do not apply.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277), requires Federal agencies to issue a Family Policymaking Assessment for any rule or policy that may affect family well-being. This rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has not prepared a Family Policymaking Assessment.

I. Review Under Executive Order 13084

Under Executive Order 13084 (Consultation and Coordination with Indian Tribal Governments), DOE may not issue a discretionary rule that significantly or uniquely affects Indian tribal governments and imposes substantial direct compliance costs. This rulemaking would not have such effects. Accordingly, Executive Order 13084 does not apply to this rulemaking.

J. Review Under Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget, a Statement of Energy Effects for any significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgates or is expected to lead to the promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or

(3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use. Today's rule is not a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects.

K. Congressional Notification

As required by 5 U.S.C. 801, DOE will submit to Congress a report regarding the issuance of today's final rule prior to the effective date set forth at the outset of this notice. The report will state that it has been determined that the rule is not a ''major rule'' as defined by 5 U.S.C. 801(2).

List of Subjects in 10 CFR Part 1008

Government employees, Investigations, Privacy, Security measures, Whistleblowing.

Issued in Washington, DC, on January 22, 2002.

Bruce M. Carnes,

Director, Office of Management, Budget and Evaluation/Chief Financial Officer.

For the reasons set forth in the preamble, part 1008 of Chapter X of Title 10, Code of Federal Regulations, is amended as set forth below:

PART 1008—RECORDS MAINTAINED ON INDIVIDUALS (PRIVACY ACT)

1. The authority citation for Part 1008 is revised to read as follows:

Authority: 42 U.S.C. 7101 *et seq.*; 50 U.S.C. 2401 *et seq.*; 5 U.S.C. 552a.

2. Section 1008.12 is amended:

a. by adding paragraphs (b)(1)(ii)(K), (b)(1)(ii)(L), (b)(1)(ii)(M);

b. by adding paragraphs (b)(2)(ii)(N), (b)(2)(ii)(O), (b)(2)(ii)(P);

c. by adding paragraphs (b)(3)(ii)(P), (b)(3)(ii)(Q) and (b)(3)(ii)(R).

The additions specified above read as follows:

§ 1008.12 Exemptions.

* * * * *

(b) * * *

(1) * * *

(ii) * * *

(K) Employee Concerns Program Records (DOE–3)

(L) Whistleblower Investigation, Hearing and Appeal Records (DOE–7)

(M) Intelligence Related Access Authorization (DOE–15)

(2) * * *

(ii) * * *

(N) Employee Concerns Program Records (DOE–3)

(O) Whistleblower Investigation, Hearing and Appeal Records (DOE–7)

(P) Intelligence Related Access Authorization (DOE–15)

(3) * * *

(ii) * * *

(P) Employee Concerns Program Records (DOE–3)

(Q) Whistleblower Investigation, Hearing and Appeal Records (DOE–7)

(R) Intelligence Related Access Authorization (DOE–15)

* * * * *

[FR Doc. 02–2111 Filed 1–28–02; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–373–AD; Amendment 39–12619; AD 2001–17–26 R1]

RIN 2120–AA64

Airworthiness Directives; Raytheon Model DH.125, HS.125, BH.125, and BAe.125 (U–125 and C–29A) Series Airplanes; Model Hawker 800, Hawker 800 (U–125A), Hawker 800XP, and Hawker 1000 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects and clarifies information in an existing airworthiness directive (AD) that applies to certain Raytheon Model DH.125, HS.125, BH.125, and BAe.125 (U–125 and C–29A) series airplanes; Model Hawker 800, Hawker 800 (U–125A), Hawker 800XP, and Hawker 1000 airplanes. That AD currently requires an inspection for cracking or corrosion of the cylinder head lugs of the main landing gear actuator and follow-on/corrective actions. This document corrects and clarifies the affected airplane serial numbers. This correction is necessary to ensure that operators do not misinterpret which airplanes are subject to the requirements of this AD.

DATES: Effective October 3, 2001.

The incorporation by reference of certain publications listed in the regulations was approved previously by the Director of the Federal Register as of October 3, 2001 (66 FR 45575, August 29, 2001).

FOR FURTHER INFORMATION CONTACT: David Ostrodka, Aerospace Engineer, Airframe Branch, ACE–118W, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone (316) 946–4129; fax (316) 946–4407.

SUPPLEMENTARY INFORMATION: On August 20, 2001, the Federal Aviation Administration (FAA) issued AD 2001–17–26, amendment 39–12417 (66 FR 45575, August 29, 2001), which applies to certain Raytheon Model DH.125, HS.125, BH.125, and BAe.125 (U–125 and C–29A) series airplanes; Model Hawker 800, Hawker 800 (U–125A), Hawker 800XP, and Hawker 1000 airplanes. That AD requires an inspection for cracking or corrosion of the cylinder head lugs of the main landing gear (MLG) actuator and follow-on/corrective actions. That AD was prompted by reports of attachment lugs cracking at the actuator cylinder head. The actions required by that AD are intended to prevent separation of the cylinder head lugs, which could prevent the main landing gear from extending and result in a partial gear-up landing.

Need for the Correction

Information obtained recently by the FAA indicates that the applicability of AD 2001–17–26 needs to be clarified and corrected.

As published, the applicability of that AD did not include the serial numbers of certain airplane models that were cited in the effectivity of Raytheon Service Bulletin 32–3391, dated August 2000. To correct that omission, we have determined that the applicability of this AD also must include the affected airplane serial numbers for Model Hawker 800 (U–125A up to and including serial number 258381) and for Model Hawker 800XP (up to but not including serial number 258490), as cited in the service bulletin.

Although the applicability of AD 2001–17–26 did not include the serial numbers, the FAA's intent was to list the serial numbers cited in the referenced service bulletin.

The FAA has determined that a correction to AD 2001–17–26 is necessary to correct and clarify the applicability and to include the affected airplane serial numbers.

Correction of Publication

This document corrects and clarifies the errors of AD 2001–17–26 and correctly adds the AD as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13).

The AD is reprinted in its entirety for the convenience of affected operators. The effective date of the AD remains October 3, 2001.

Since this action only clarifies and corrects a current requirement, it has no adverse economic impact and imposes no additional burden on any person. Therefore, the FAA has determined that notice and public procedures are unnecessary.

List of Subject in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Corrected]

2. Section 39.13 is amended by correctly adding the following airworthiness directive (AD):

2001–17–26 R1 Raytheon Aircraft Company: Amendment 39–12619. Docket 2000–NM–373–AD: Revises AD 2001–17–26, Amendment 39–12417.

Applicability: Model DH.125, HS.125, BH.125, and BAe.125 (U–125 and C–29A) series airplanes; Model Hawker 800, Hawker 800 (U–125A up to and including serial number 258381), Hawker 800XP (up to but not including serial number 258490), and Hawker 1000 airplanes; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent separation of the cylinder head lugs, which could prevent the main landing gear (MLG) from extending and result in a partial gear-up landing, accomplish the following:

Inspection

(a) Perform an eddy current inspection of the actuator cylinder head lugs for cracking or corrosion per Raytheon Service Bulletin 32–3391, dated August 2000, at the time specified in paragraph (a)(1), (a)(2), (a)(3), or (a)(4) of this AD, as applicable.

(1) For actuator cylinder heads that have 3,000 or less total landings as of the effective date of this AD: Perform the eddy current inspection within 24 months after the effective date of this AD.

(2) For actuator cylinder heads that have 3,001 to 4,000 total landings as of the effective date of this AD: Perform the eddy current inspection within 6 months after the effective date of this AD.

(3) For actuator cylinder heads that have been in service for more than 7 years as of the effective date of this AD: Perform the eddy current inspection within 6 months of the effective date of this AD.

(4) For actuator cylinder heads that have 4,001 or more total landings as of the effective date of this AD: Perform the eddy current inspection within 10 landings after the effective date of this AD.

If No Cracking or Corrosion

(b) If no cracking or corrosion is found during the inspection required by paragraph (a) of this AD, before further flight, accomplish the follow-on actions (e.g., ''vibro-etching'' the MLG actuator data plate, painting a blue stripe on the actuator cylinder head to indicate 1/32 inch oversize bushings, replacing bushings, and applying corrosion protection to the lug bores), per Raytheon Service Bulletin 32–3391, dated August 2000.

If Any Cracking or Corrosion

(c) If any cracking or corrosion is found during the inspection required by paragraph (a) of this AD, before further flight, accomplish either of the actions specified in paragraph (c)(1) or (c)(2) of this AD, per Raytheon Service Bulletin 32–3391, dated August 2000.

(1) Replace the actuator of the MLG with a new or serviceable actuator, or

(2) Replace the actuator cylinder head with a new cylinder head.

Note 2: Raytheon Service Bulletin 32–3391, dated August 2000, references Precision Hydraulics Cylinder Maintenance Manual (CMM) 32–30–1105 as an additional source of service information.

Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Wichita Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

Special Flight Permit

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(f) The actions shall be done in accordance with Raytheon Service Bulletin 32–3391, dated August 2000. This incorporation by reference was approved previously by the Director of the Federal Register as of October 3, 2001 (66 FR 45575, August 29, 2001). Copies may be obtained from Raytheon Aircraft Company, Department 62, P.O. Box 85, Wichita, Kansas 67201–0085. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, Kansas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(g) The effective date of this amendment remains October 3, 2001.

Issued in Renton, Washington, on January 18, 2002.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification, Service.

[FR Doc. 02–1966 Filed 1–28–02; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL TRADE COMMISSION

16 CFR Part 305

Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (''Appliance Labeling Rule''); Correction

AGENCY: Federal Trade Commission.

ACTION: Final rule; correction.

SUMMARY: The Federal Trade Commission (''Commission'') amends its Appliance Labeling Rule by issuing a correction to the range of comparability for certain freezers published on November 19, 2001 (66 FR 57867), to become effective on February 19, 2002. The correction affects only the range of comparability in Appendix B1 of the Rule for upright freezers with manual defrost with a total refrigerated volume between 13.5 and 15.4 cubic feet.

EFFECTIVE DATE: February 19, 2002.

FOR FURTHER INFORMATION CONTACT: Hampton Newsome, Attorney, Division of Enforcement, Federal Trade Commission, Washington, DC 20580 (202–326–2889); *hnewsome@ftc.gov.*

SUPPLEMENTARY INFORMATION: Energy use figures for 2001 for refrigerators, refrigerator-freezers, and freezers were submitted last year by manufacturers

and analyzed by the Commission. New ranges of comparability based upon them were published in the **Federal Register** on November 19, 2001 (66 FR 57867). The Commission staff has learned since publication that there was an inadvertent error in the range in Appendix B1 for upright freezers with manual defrost with total refrigerated volumes between 13.5 and 15.4 cubic feet. This notice contains the corrected number.

Although this corrected range of comparability for upright freezers with manual defrost is being published prior to the effective date of the November notice, manufacturers need not relabel any freezer already labeled and may use any labels that were ordered or printed before the date of this notice in good faith reliance on the November 19 notice. After this initial stock of labels is exhausted, however, manufacturers must use labels based on today's notice.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a Regulatory Flexibility Act analysis (5 U.S.C. 603–604) are not applicable to this proceeding because the amendments do not impose any new obligations on entities regulated by the Appliance Labeling Rule. Thus, the amendments will not have a ''significant economic impact on a substantial number of small entities.'' 5 U.S.C. 605. The Commission has concluded, therefore, that a regulatory flexibility analysis is not necessary, and certifies, under section 605 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the amendments announced today will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, labeling, Reporting and recordkeeping requirements.

Accordingly, 16 CFR part 305 is corrected by making the following correcting amendments:

PART 305—[CORRECTED]

1. The authority citation for Part 305 continues to read as follows:

Authority: 42 U.S.C. 6294.

2. Appendix B1 to Part 305 is revised to read as follows:

APPENDIX B1 TO PART 305.—UPRIGHT FREEZERS WITH MANUAL DEFROST

[Range information]

Manufacturer's rated total refrigerated volume in cubic feet	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Less than 5.5	(*)	(*)
5.5 to 7.4	354	354
7.5 to 9.4	372	372
9.5 to 11.4	392	392
11.5 to 13.4	409	410
13.5 to 15.4	442	454
15.5 to 17.4	477	482
17.5 to 19.4	(*)	(*)
19.5 to 21.4	512	527
21.5 to 23.4	(*)	(*)
23.5 to 25.4	580	580
25.5 to 27.4	(*)	(*)
27.5 to 29.4	(*)	(*)
29.5 and over	1,748	1,748

*No data submitted for units meeting the Department of Energy's Energy Conservation Standards effective July 1, 2001.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 02–2073 Filed 1–28–02; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8981]

RIN 1545–BA40

Disallowance of Deductions and Credits for Failure to File Timely Return

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final and temporary regulations.

SUMMARY: This document contains regulations relating to the disallowance of deductions and credits for nonresident alien individuals and foreign corporations that fail to file a timely U.S. income tax return. The current regulations permit nonresident aliens and foreign corporations the benefit of deductions and credits only if they timely file a U.S. income tax return in accordance with subtitle F of the Internal Revenue Code, unless the Commissioner waives the filing deadlines. The temporary regulations revise the waiver standard. The text of these temporary regulations also serves as the text of the proposed regulations set forth in the notice of proposed rulemaking on this subject in the Proposed Rules section of this issue of the **Federal Register**.

DATES: *Effective Date:* These regulations are effective January 29, 2002.

Applicability Date: For dates of applicability, see §§ 1.874–1T(b)(4) and 1.882–4T(a)(3)(iv) of these regulations.

FOR FURTHER INFORMATION CONTACT: Nina E. Chowdhry (202) 622–3880 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

Section 871(b)(1) provides that a nonresident alien individual engaged in a trade or business within the United States shall be taxed on income effectively connected with the conduct of the trade or business within the United States. Likewise, under section 882(a)(1), a foreign corporation engaged in a trade or business within the United States shall be taxed on its income effectively connected with the conduct of the trade or business within the United States. In determining the amount of effectively connected taxable income, both the nonresident alien individual and the foreign corporation (collectively, foreign taxpayers) generally may deduct from effectively connected gross income expenses that are properly allocated and apportioned to that gross income. However, under sections 874(a)(1) and 882(c)(2), a foreign taxpayer generally is entitled to those deductions, and to allowable credits, only if it files a true and accurate U.S. income tax return in the manner prescribed in subtitle F of the Internal Revenue Code (Code), including on the return all the information necessary for the calculation of the deductions and credits.

Sections 1.874–1(b)(1) and 1.882–4(a)(3)(i) provide filing deadlines beyond which a return entitling the foreign taxpayer to deductions and credits may not be filed. Under §§ 1.874–1(b)(2) and 1.882–4(a)(3)(ii), as currently in effect, the Commissioner may waive the filing deadlines prescribed in §§ 1.874–1(b)(1) and 1.882–4(a)(3)(i) in rare and unusual circumstances if good cause for such waiver, based on the facts and circumstances, is established by a foreign taxpayer who does not file a return (a non-filer). When these regulations were promulgated in 1990, Treasury and the IRS intended that the waiver standard balance the legislative intent to establish strong compliance measures with respect to required

income tax return filing by foreign taxpayers with a means to grant relief from the filing deadlines in appropriate cases. In practice, the IRS has found that the standard currently in §§ 1.874–1(b)(2) and 1.882–4(a)(3)(ii) (the waiver standard) is too restrictive and does not achieve this balance.

Explanation of Provisions

The temporary regulations in this document revise the waiver standard contained in §§ 1.874–1(b)(2) and 1.882–4(a)(3)(ii) and provide examples of the application of the revised standard. The revised waiver standard provides that the filing deadlines may be waived by the Commissioner or his or her delegate if the non-filer establishes that, based on the facts and circumstances, the non-filer acted reasonably and in good faith in failing to file a U.S. income tax return (including a protective return). For this purpose, a non-filer is not considered to have acted reasonably and in good faith if the non-filer knew that it was required to file the return but chose not to file the return. In addition, a non-filer shall not be granted a waiver unless the non-filer cooperates in determining the non-filer's U.S. tax liability for the taxable year for which the return was not filed. The following factors will be considered by the IRS in determining whether a non-filer, based on the facts and circumstances, acted reasonably and in good faith in failing to file a U.S. income tax return: whether the non-filer voluntarily identifies itself to the IRS as having failed to file a U.S. income tax return before the IRS discovers the failure to file; whether the non-filer did not become aware of the non-filer's ability to file a protective return by the deadline for filing the protective return; whether the non-filer had not previously filed a U.S. income tax return; whether the non-filer failed to file a U.S. income tax return because, after exercising reasonable diligence (taking into account relevant experience and level of sophistication), the non-filer was unaware of the necessity for filing the return; whether the non-filer failed to file a U.S. income tax return because of intervening events beyond the non-filer's control; and whether other mitigating or exacerbating circumstances existed.

Effective Date

These regulations apply to open years for which requests for waivers of application of sections 874(a) and 882(c) are filed on or after January 29, 2002.

Special Analyses

It has been determined that these temporary regulations are not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations and, because no notice of proposed rulemaking is required, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Code, these temporary regulations will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small businesses.

Drafting Information

The principal author of these regulations is Nina Chowdhry of the Office of Associate Chief Counsel (International). However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

Paragraph 1. The authority citation for part 1 is amended by adding entries in numerical order to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

Section 1.874–1T also issued under 26 U.S.C. 874. * * *

Section 1.882–4T also issued under 26 U.S.C. 882(c). * * *

Par. 2. Section 1.874–1 is amended by:

1. Revising paragraph (b)(2).
2. Paragraphs (b)(3) and (b)(4) are redesignated as paragraphs (b)(5) and (b)(6), respectively.
3. New paragraphs (b)(3) and (b)(4) are added.

The revision and additions read as follows:

§ 1.874–1 Allowance of deductions and credits to nonresident alien individuals.

* * * * *

(b)(2) through (4) For further guidance, see § 1.874–1T(b)(2) through (4).

* * * * *

Par. 3. Section 1.874–1T is added to read as follows:

§ 1.874–1T Allowance of deductions and credits to nonresident alien individuals (temporary).

(a) through (b)(1) For further guidance, see § 1.874–1(a) through (b)(1).

(b)(2) *Waiver.* The filing deadlines set forth in paragraph (b)(1) of this section may be waived if the nonresident alien individual establishes to the satisfaction of the Commissioner or his or her delegate that the individual, based on the facts and circumstances, acted reasonably and in good faith in failing to file a U.S. income tax return (including a protective return (as described in § 1.874–1(b)(6))). For this purpose, a nonresident alien individual shall not be considered to have acted reasonably and in good faith if the individual knew that he or she was required to file the return and chose not to file the return. In addition, a nonresident alien individual shall not be granted a waiver unless the individual cooperates in determining his or her U.S. income tax liability for the taxable year for which the return was not filed. The Commissioner or his or her delegate shall consider the following factors in determining whether the nonresident alien individual, based on the facts and circumstances, acted reasonably and in good faith in failing to file a U.S. income tax return:

(i) Whether the individual voluntarily identifies himself or herself to the Internal Revenue Service as having failed to file a U.S. income tax return before the Internal Revenue Service discovers the failure to file;

(ii) Whether the individual did not become aware of his or her ability to file a protective return (as described in § 1.874–1(b)(6)) by the deadline for filing the protective return;

(iii) Whether the individual had not previously filed a U.S. income tax return;

(iv) Whether the individual failed to file a U.S. income tax return because, after exercising reasonable diligence (taking into account his or her relevant experience and level of sophistication), the individual was unaware of the necessity for filing the return;

(v) Whether the individual failed to file a U.S. income tax return because of intervening events beyond the individual's control; and

(vi) Whether other mitigating or exacerbating factors existed.

(3) *Examples.* The following examples illustrate the provisions of this paragraph (b). In all examples, A is a nonresident alien individual and uses the calendar year as A's taxable year. The examples are as follows:

Example 1. Nonresident alien individual discloses own failure to file. In Year 1, A became a limited partner with a passive investment in a U.S. limited partnership that was engaged in a U.S. trade or business. During Year 1 through Year 4, A incurred losses with respect to A's U.S. partnership interest. A's foreign tax advisor incorrectly concluded that because A was a limited partner and had only losses from A's partnership interest, A was not required to file a U.S. income tax return. A was aware neither of A's obligation to file a U.S. income tax return for those years nor of A's ability to file a protective return for those years. A had never filed a U.S. income tax return before. In Year 5, A began realizing a profit, rather than a loss, with respect to the partnership interest, and, for this reason, engaged a U.S. tax advisor to handle A's responsibility to file U.S. income tax returns. In preparing A's U.S. income tax return for Year 5, A's U.S. tax advisor discovered that returns were not filed for Year 1 through Year 4. Therefore, with respect to those years for which applicable filing deadlines in § 1.874–1(b)(1) were not met, A would be barred by paragraph § 1.874–1(a) from claiming any deductions that otherwise would have given rise to net operating losses on returns for these years, and would have been available as loss carryforwards in subsequent years. At A's direction, A's U.S. tax advisor promptly contacted the appropriate examining personnel and cooperated with the Internal Revenue Service in determining A's income tax liability, for example, by preparing and filing the appropriate income tax returns for Year 1 through Year 4 and by making A's books and records available to an Internal Revenue Service examiner. A has met the standard described in paragraph (b)(2) of this section for waiver of any applicable filing deadlines in § 1.874–1(b)(1).

Example 2. Nonresident alien individual refuses to cooperate. Same facts as in *Example 1,* except that while A's U.S. tax advisor contacted the appropriate examining personnel and filed the appropriate income tax returns for Year 1 through Year 4, A refused all requests by the Internal Revenue Service to provide supporting information (for example, books and records) with respect to those returns. Because A did not cooperate in determining A's U.S. tax liability for the taxable years for which an income tax return was not timely filed, A is not granted a waiver as described in paragraph (b)(2) of this section of any applicable filing deadlines in § 1.874–1(b)(1).

Example 3. Nonresident alien individual fails to file a protective return. Same facts as in *Example 1,* except that in Year 1 through Year 4, A also consulted a U.S. tax advisor, who advised A that it was uncertain whether U.S. income tax returns were necessary for those years and that A could protect its right subsequently to claim the loss carryforwards by filing protective returns under § 1.874–1(b)(6). A did not file U.S. income tax returns or protective returns for those years. A did not present evidence that intervening events beyond A's control prevented A from filing an income tax return, and there were no other mitigating factors. A has not met the standard described in paragraph (b)(2) of this section for waiver of any applicable filing deadlines in § 1.874–1(b)(1).

Example 4. Nonresident alien with effectively connected income. In Year 1, A, a computer programmer, opened an office in the United States to market and sell a software program that A had developed outside the United States. A had minimal business or tax experience internationally, and no such experience in the United States. Through A's personal efforts, U.S. sales of the software produced income effectively connected with a U.S. trade or business. A, however, did not file U.S. income tax returns for Year 1 or Year 2. A was aware neither of A's obligation to file a U.S. income tax return for those years, nor of A's ability to file a protective return for those years. A had never filed a U.S. income tax return before. In November of Year 3, A engaged U.S. counsel in connection with licensing software to an unrelated U.S. company. U.S. counsel reviewed A's U.S. activities and advised A that A should have filed U.S. income tax returns for Year 1 and Year 2. A immediately engaged a U.S. tax advisor who, at A's direction, promptly contacted the appropriate examining personnel and cooperated with the Internal Revenue Service in determining A's income tax liability, for example, by preparing and filing the appropriate income tax returns for Year 1 and Year 2 and by making A's books and records available to an Internal Revenue Service examiner. A has met the standard described in paragraph (b)(2) of this section for waiver of any applicable filing deadlines in § 1.874–1(b)(1).

Example 5. IRS discovers nonresident alien's failure to file. In Year 1, A, a computer programmer, opened an office in the United States to market and sell a software program that A had developed outside the United States. Through A's personal efforts, U.S. sales of the software produced income effectively connected with a U.S. trade or business. A had extensive experience conducting similar business activities in other countries, including making the appropriate tax filings. However, A was aware neither of A's obligation to file a U.S. income tax return for those years, nor of A's ability to file a protective return for those years. A had never filed a U.S. income tax return before. Despite A's extensive experience conducting similar business activities in other countries, A made no effort to seek advice in connection with A's U.S. tax obligations. A failed to file either U.S. income tax returns or protective returns for Year 1 and Year 2. In November of Year 3, an Internal Revenue Service examiner asked A for an explanation of A's failure to file U.S. income tax returns. A immediately engaged X, a U.S. tax advisor, and cooperated with the Internal Revenue Service in determining A's income tax liability, for example, by preparing and filing the appropriate income tax returns for Year 1 and Year 2 and by making A's books and records available to the examiner. A did not present evidence that intervening events beyond A's control prevented A from filing a return, and there were no other mitigating factors. A has not met the standard described in paragraph (b)(2) of this section for waiver of any applicable filing deadlines in § 1.874–1(b)(1).

Example 6. Nonresident alien with prior filing history. A began a U.S. trade or business in Year 1 as a sole proprietorship. A's tax advisor filed the appropriate U.S. income tax returns for Year 1 through Year 6, reporting income effectively connected with A's U.S. trade or business. In Year 7, A replaced its tax advisor with a tax advisor unfamiliar with U.S. tax law. A did not file a U.S. income tax return for any year from Year 7 through Year 10, although A had effectively connected income for those years. A was aware of A's ability to file a protective return for those years. In Year 11, an Internal Revenue Service examiner contacted A and asked for an explanation of A's failure to file income tax returns after Year 6. A immediately engaged a U.S. tax advisor and cooperated with the Internal Revenue Service in determining A's income tax liability, for example, by preparing and filing the appropriate income tax returns for Year 7 through Year 10 and by making A's books and records available to the examiner. A did not present evidence that intervening events beyond A's control prevented A from filing a return, and there were no other mitigating factors. A has not met the standard described in paragraph (b)(2) of this section for waiver of any applicable filing deadlines in § 1.874–1(b)(1).

(4) *Effective date.* Paragraphs (b)(2) and (3) of this section are applicable to open years for which a request for a waiver is filed on or after January 29, 2002.

(b)(5) through (e). For further guidance, see § 1.874–1 (b)(5) through (e).

Par. 4. Section 1.882–4 is amended by:

1. Revising paragraph (a)(3)(ii).
2. Paragraphs (a)(3)(iii) through (a)(3)(v) are redesignated as paragraphs (a)(3)(v) through (a)(3)(vii), respectively.
3. New paragraphs (a)(3)(iii) and (a)(3)(iv) are added.

The revision and additions read as follows:

§ 1.882–4 Allowance of deductions and credits to foreign corporations.

(a) * * *

(3) * * *

(ii) through (iv) For further guidance, see § 1.882–4T(a)(3)(ii) through (iv).

* * * * *

Par. 5. Section 1.882–4T is added to read as follows:

§ 1.882–4T Allowance of deductions and credits to foreign corporations (temporary).

(a) through (a)(3)(i) For further guidance, see § 1.882–4(a) through (a)(3)(i).

(a)(3)(ii) The filing deadlines set forth in § 1.882–4(a)(3)(i) may be waived if the foreign corporation establishes to the satisfaction of the Commissioner or his or her delegate that the corporation, based on the facts and circumstances, acted reasonably and in good faith in

failing to file a U.S. income tax return (including a protective return (as described in § 1.882–4(a)(3)(vi))). For this purpose, a foreign corporation shall not be considered to have acted reasonably and in good faith if the foreign corporation knew that it was required to file the return and chose not to file the return. In addition, a foreign corporation shall not be granted a waiver unless the foreign corporation cooperates in the process of determining its income tax liability for the taxable year for which the return was not filed. The Commissioner or his or her delegate shall consider the following factors in determining whether the foreign corporation, based on the facts and circumstances, acted reasonably and in good faith in failing to file a U.S. income tax return:

(A) Whether the corporation voluntarily identifies itself to the Internal Revenue Service as having failed to file a U.S. income tax return before the Internal Revenue Service discovers the failure to file;

(B) Whether the corporation did not become aware of its ability to file a protective return (as described in § 1.882–4(a)(3)(vi)) by the deadline for filing a protective return;

(C) Whether the corporation had not previously filed a U.S. income tax return;

(D) Whether the corporation failed to file a U.S. income tax return because, after exercising reasonable diligence (taking into account its relevant experience and level of sophistication), the corporation was unaware of the necessity for filing the return;

(E) Whether the corporation failed to file a U.S. income tax return because of intervening events beyond the corporation's control; and

(F) Whether other mitigating or exacerbating factors existed.

(iii) The following examples illustrate the provisions of this section. In all examples, FC is a foreign corporation and uses the calendar year as its taxable year. The examples are as follows:

Example 1. Foreign corporation discloses own failure to file. In Year 1, FC became a limited partner with a passive investment in a U.S. limited partnership that was engaged in a U.S. trade or business. During Year 1 through Year 4, FC incurred losses with respect to FC's U.S. partnership interest. FC's foreign tax director incorrectly concluded that because FC was a limited partner and had only losses from FC's partnership interest, FC was not required to file a U.S. income tax return. FC's management was aware neither of FC's obligation to file a U.S. income tax return for those years nor of FC's ability to file a protective return for those years. FC had never filed a U.S. income tax return before. In Year 5, FC began realizing a profit, rather than a loss, with respect to the partnership interest, and, for this reason, engaged a U.S. tax advisor to handle FC's responsibility to file U.S. income tax returns. In preparing FC's income tax return for Year 5, FC's U.S. tax advisor discovered that returns were not filed for Year 1 through Year 4. Therefore, with respect to those years for which applicable filing deadlines in § 1.882–4(a)(3)(i) were not met, FC would be barred by § 1.882–4(a)(2) from claiming any deductions that otherwise would have given rise to net operating losses on returns for these years, and would have been available as loss carryforwards in subsequent years. At FC's direction, FC's U.S. tax advisor promptly contacted the appropriate examining personnel and cooperated with the Internal Revenue Service in determining FC's income tax liability, for example, by preparing and filing the appropriate income tax returns for Year 1 through Year 4 and by making FC's books and records available to an Internal Revenue Service examiner. FC has met the standard described in paragraph (a)(3)(ii) of this section for waiver of any applicable filing deadlines in § 1.882–4(a)(3)(i).

Example 2. Foreign corporation refuses to cooperate. Same facts as in Example 1, except that while FC's U.S. tax advisor contacted the appropriate examining personnel and filed the appropriate income tax returns for Year 1 through Year 4, FC refused all requests by the Internal Revenue Service to provide supporting information (for example, books and records) with respect to those returns. Because FC did not cooperate in determining its U.S. tax liability for the taxable years for which an income tax return was not timely filed, FC is not granted a waiver as described in paragraph (a)(3)(ii) of this section of any applicable filing deadlines in § 1.882–4(a)(3)(i).

Example 3. Foreign corporation fails to file a protective return. Same facts as in Example 1, except that in Year 1 through Year 4, FC's tax director also consulted a U.S. tax advisor, who advised FC's tax director that it was uncertain whether U.S. income tax returns were necessary for those years and that FC could protect its right subsequently to claim the loss carryforwards by filing protective returns under § 1.882–4(a)(3)(vi). FC did not file U.S. income tax returns or protective returns for those years. FC did not present evidence that intervening events beyond FC's control prevented FC from filing an income tax return, and there were no other mitigating factors. FC has not met the standard described in paragraph (a)(3)(ii) of this section for waiver of any applicable filing deadlines in § 1.882–4(a)(3)(i).

Example 4. Foreign corporation with effectively connected income. In Year 1, FC, a technology company, opened an office in the United States to market and sell a software program that FC had developed outside the United States. FC had minimal business or tax experience internationally, and no such experience in the United States. Through FC's direct efforts, U.S. sales of the software produced income effectively connected with a U.S. trade or business. FC, however, did not file U.S. income tax returns for Year 1 or Year 2. FC's management was aware neither of FC's obligation to file a U.S. income tax return for those years, nor of FC's ability to file a protective return for those years. FC had never filed a U.S. income tax return before. In January of Year 4, FC engaged U.S. counsel in connection with licensing software to an unrelated U.S. company. U.S. counsel reviewed FC's U.S. activities and advised FC that FC should have filed U.S. income tax returns for Year 1 and Year 2. FC immediately engaged a U.S. tax advisor, at FC's direction, who promptly contacted the appropriate examining personnel and cooperated with the Internal Revenue Service in determining FC's income tax liability, for example, by preparing and filing the appropriate income tax returns for Year 1 and Year 2 and by making FC's books and records available to an Internal Revenue Service examiner. FC has met the standard described in paragraph (a)(3)(ii) of this section for waiver of any applicable filing deadlines in § 1.882–4(a)(3)(i).

Example 5. IRS discovers foreign corporation's failure to file. In Year 1, FC, a technology company, opened an office in the United States to market and sell a software program that FC had developed outside the United States. Through FC's direct efforts, U.S. sales of the software produced income effectively connected with a U.S. trade or business. FC had extensive experience conducting similar business activities in other countries, including making the appropriate tax filings. However, FC's management was aware neither of FC's obligation to file a U.S. income tax return for those years, nor of FC's ability to file a protective return for those years. FC had never filed a U.S. income tax return before. Despite FC's extensive experience conducting similar business activities in other countries, FC made no effort to seek advice in connection with FC's U.S. tax obligations. FC failed to file either U.S. income tax returns or protective returns for Year 1 and Year 2. In January of Year 4, an Internal Revenue Service examiner asked FC for an explanation of FC's failure to file U.S. income tax returns. FC immediately engaged X, a U.S. tax advisor, and cooperated with the Internal Revenue Service in determining FC's income tax liability, for example, by preparing and filing the appropriate income tax returns for Year 1 and Year 2 and by making FC's books and records available to the examiner. FC did not present evidence that intervening events beyond FC's control prevented FC from filing a return, and there were no other mitigating factors. FC has not met the standard described in paragraph (a)(3)(ii) of this section for waiver of any applicable filing deadlines in § 1.882–4(a)(3)(i) of this section.

Example 6. Foreign corporation with prior filing history. FC began a U.S. trade or business in Year 1. FC's tax advisor filed the appropriate U.S. income tax returns for Year 1 through Year 6, reporting income effectively connected with FC's U.S. trade or business. In Year 7, FC replaced its tax advisor with a tax advisor unfamiliar with U.S. tax law. FC did not file a U.S. income tax return for any year from Year 7 through Year 10, although FC had effectively connected income for those years. FC's

management was aware of FC's ability to file a protective return for those years. In Year 11, an Internal Revenue Service examiner contacted FC and asked FC's chief financial officer for an explanation of its failure to file U.S. income tax returns after Year 6. FC immediately engaged a U.S. tax advisor and cooperated with the Internal Revenue Service in determining FC's income tax liability, for example, by preparing and filing the appropriate income tax returns for Year 7 through Year 10 and by making FC's books and records available to the examiner. FC did not present evidence that intervening events beyond FC's control prevented FC from filing a return, and there were no other mitigating factors. FC has not met the standard described in paragraph (a)(3)(ii) of this section for waiver of any applicable filing deadlines in § 1.882–4(a)(3)(i).

(iv) Paragraphs (a)(3)(ii) and (iii) of this section are applicable to open years for which a request for a waiver is filed on or after January 29, 2002.

(a)(3)(v) through (b)(2) For further guidance, see § 1.882–4(a)(3)(v) through (b)(2).

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

Approved: January 4, 2002.

Mark Weinberger,

Assistant Secretary of the Treasury.

[FR Doc. 02–2044 Filed 1–28–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[TD 8975]

RIN 1545–BA21

Certain Transfers of Property to Regulated Investment Companies [RICs] and Real Estate Investment Trusts [REITs]; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to temporary regulations.

SUMMARY: This document contains corrections to temporary regulations that were published in the **Federal Register** on Wednesday, January 2, 2002 (67 FR 8) relating to certain transactions or events that result in a Regulated Investment Company [RIC] or a Real Estate Investment Trust [REIT] owning property that has a basis determined by reference to a C corporation's basis in the property under sections 631 and 633.

DATES: This correction is effective January 2, 2002.

FOR FURTHER INFORMATION CONTACT: Lisa A. Fuller, (202) 622–7750 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations that are the subject of these corrections is under sections 631 and 633 of the Internal Revenue Code.

Need for Correction

As published, the TD 8975 contain errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of TD 8975, that were the subject of FR Doc. 01–31969, is corrected as follows:

1. On page 10, column 1, in the preamble under the paragraph heading *''Section 1374 Operational Rules''*, first paragraph, line 8, the language ''The comments pointed out certain'' is corrected to read ''The commentators pointed out certain''.

LaNita Van Dyke,

Acting, Chief, Regulations Unit, Associate Chief Counsel (Income Tax and Accounting).

[FR Doc. 02–2154 Filed 1–28–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08–01–050]

RIN 2115–AE47

Drawbridge Operating Regulation; Mississippi River, Wisconsin and Minnesota

AGENCY: Coast Guard, DOT.

ACTION: Temporary deviation.

SUMMARY: The Commander, Eighth Coast Guard District has authorized a temporary deviation from the regulation governing the LaCrosse Railroad Drawbridge, Mile 699.8, Upper Mississippi River at LaCrosse, Wisconsin. This deviation allows the drawbridge to remain closed to navigation for 56 days from 12:01 a.m., January 14, 2002, until 12:01 a.m., March 11, 2002, Central Standard Time. This action will facilitate maintenance work on the bridge.

DATES: This temporary deviation is effective from 12:01 a.m., January 14, 2002, until 12:01 a.m., March 11, 2002.

ADDRESSES: Unless otherwise indicated, documents referred to in this notice are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Commander (obr), Eighth Coast Guard District, 1222 Spruce Street, St. Louis, MO 63103–2832. The Bridge Administration Branch maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: Roger K. Wiebusch, Bridge Administrator, telephone (314) 539–3900, extension 378.

SUPPLEMENTARY INFORMATION: The Canadian Pacific Railway requested a temporary deviation on December 4, 2001 for the operation of the LaCrosse Railroad drawbridge (33 CFR 117.671(b)) to allow the bridge owner time for preventative maintenance.

The LaCrosse Railroad Drawbridge provides a vertical clearance of 21.9 feet above normal pool in the closed-to-navigation position. Navigation on the waterway consists primarily of commercial tows and recreational watercraft. This deviation has been coordinated with waterway users. No objections were received.

This deviation allows the bridge to remain closed to navigation from 12:01 a.m., January 14, 2002 to 12:01 a.m., March 11, 2002. The drawbridge operation regulations, when not amended by a deviation, requires that the drawbridge open on signal.

Roy J. Casto,

Rear Admiral, U.S. Coast Guard Commander, Eighth Coast Guard District.

[FR Doc. 02–2151 Filed 1–28–02; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP MIAMI–01–122]

RIN 2116–AA97

Security Zones; Port Everglades, Fort Lauderdale, FL

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary fixed security zone encompassing the Intracoastal Waterway near Port Everglades, Florida. This security zone is needed for national security reasons to protect the public, ports, and waterways from potential subversive acts. Entry into this zone is prohibited, unless specifically authorized by the Captain of the Port,

Miami, Florida, or his designated representative.

DATES: This rule is effective from 8 a.m. on October 12, 2001 until 11:59 p.m. on June 15, 2002.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of [COTP Miami 01–122] and are available for inspection or copying at Marine Safety Office Miami, 100 MacArthur Causeway, Miami Beach, FL 33139, between 7:30 p.m. and 4 p.m. Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LT Warren Weedon, Coast Guard Marine Safety Office Miami, at (305) 535–8701.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a NPRM. Publishing a NPRM, which would incorporate a comment period before a final rule could be issued, would be contrary to the public interest since immediate action is needed to protect the public, ports and waterways of the United States. For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The Coast Guard will issue a broadcast notice to mariners and place Coast Guard vessels in the vicinity to advise mariners of the zone.

Background and Purpose

Based on the September 11, 2001, terrorist attacks on the World Trade Center buildings in New York and the Pentagon in Arlington, Virginia, there is an increased risk that subversive activity could be launched by vessels or persons in close proximity to Port Everglades against tank vessels and cruise ships entering, departing and moored within these ports. United States Coast Guard and local police department patrol vessels will patrol this zone. The Captain of the Port has previously established a fixed security zone for high capacity passenger vessels, and vessels carrying cargoes of particular hazard in dockets COTP Miami–01–093 and COTP Miami–01–115 (67 FR 1101, January 9, 2002).

Unauthorized vessels are prohibited from entering this temporary fixed security zone. The zone encompasses the waters of the Intracoastal Waterway between a line connecting point 26°05.41′ N, 080°06.97′ W on the northern tip of Port Everglades berth 22 near Bert and Jacks Restaurant and a point directly east across the Intracoastal Waterway to 26°05.41′ N, 080° 06.74′ W; and a line drawn from the corner of Port Everglades berth 29 at point 26°04.72′ N, 080°06.92′ W, easterly across the Intracoastal Waterway to John U. Loyd Beach, State Recreational Area at point 26°04.72′ N, 080°06.81′ W. The temporary fixed security zones is activated when a high capacity passenger vessel or a vessel carrying cargoes of particular hazard as defined in Title 33 of the Code of Federal Regulations, part 126, enter or moor within this zone.

Vessels may transit the Intracoastal Waterway when cruise ships are berthed, by staying east of the law enforcement boats and cruise ship tenders which will mark a transit lane in the Intracoastal Waterway. Periodically, vessels may be asked to temporarily hold their positions while large commercial traffic operates in this area. Vessels near this security zone must follow the orders of the law enforcement vessels on scene. When cruise ships are not berthed on the Intracoastal Waterway, the zone will remain in place, but navigation will be unrestricted. Law enforcement vessels can be contacted on VHF Marine Band Radio, Channel 16 (156.8 MHz).

The Captain of the Port will notify the public via Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz) when the zone is activated. Entry into this security zone is prohibited unless specifically authorized by the Captain of the Port, Miami, Florida.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. The Office of Management and Budget has not reviewed it under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979) because this zone is only in effect when certain vessels enter or moor at certain berths in Port Everglades. Moreover, traffic will be allowed to enter and pass through this zone under the direction of U.S. Coast Guard or assisting law enforcement vessels.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), the Coast Guard considered whether this rule would have a significant economic effect upon 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 of less than 50,000.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities because the zone will only be in effect during certain times and small entities may be allowed to enter the zone during scheduled vessel escorts.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we offer to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. If the rule will affect your small business, organization, or government jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** for assistance in understanding this rule.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This rule calls for no new collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501–3520).

Federalism

A rule has implication for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions

that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b) (2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Environmental

The Coast Guard considered the environmental impact of this rule and concluded under Figure 2–1, paragraph 34(g) of Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationships between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or use. We have determined that it is not a ''significant energy action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165, as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, 160.5; 49 CFR 1.46.

2. A new temporary § 165.T07–122 is added to read as follows:

§ 165.T07–122 Security Zones; Ports Everglades, Fort Lauderdale, Florida.

(a) *Regulated area.* The Captain of the Port is establishing a temporary fixed security zone on the Intracoastal Waterway and prohibiting unauthorized vessels from entering the zone. The zone encompasses the waters of the Intracoastal Waterway between a line connecting point 26°05.41′ N, 080°06.97′ W on the northern tip of Port Everglades berth 22 near Burt and Jacks Restaurant and a point directly east across the Intracoastal Waterway to 26°05.41′ N, 080°06.74′ W; and a line drawn from the corner of Port Everglades berth 29 at point 26°04.72′ N, 080°06.92′ W, easterly across the Intracoastal Waterway to John U. Lloyd Beach, State Recreational Area at point 26°04.72′ N, 080°06.81′ W. This temporary fixed security zone is activated when a cruise ship or a vessel carrying cargoes of particular hazard, as defined in 33 CFR part 126, enter or moor within this zone.

(b) *Regulations.* In accordance with the general regulations in § 165.33 of this part, entry into this zone is prohibited except as authorized by the Captain of the Port, a Coast Guard commissioned, warrant, or petty officer, or other law enforcement officer designated by him. The Captain of the Port will notify the public via Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz) when the security zone is activated.

Vessels may transit the Intercoastal Waterway when cruise ships or vessels carrying cargoes of particular hazard are berthed, by staying east of the law enforcement boats and cruise ship tenders which will mark a transit lane in the Intercoastal Waterway. Periodically, vessels may be asked to temporarily hold their positions while large commercial traffic operates in this area. Vessels near this security zone must follow the orders of the law enforcement vessels on scene. When cruise ships are not berthed on the Intercoastal Waterway, the zone will remain in place, but navigation will be unrestricted. Law enforcement vessels can be contacted on VHF Marine Band Radio, Channel 16 (156.8 MHz).

(c) *Dates.* This section is effective from 8 a.m. on October 12, 2001 until 11:59 p.m. on June 15, 2002.

Dated: October 11, 2001.

J.A. Watson, IV,

Captain, U.S. Coast Guard, Captain of the Port Miami.

[FR Doc. 02–2153 Filed 1–28–02; 8:45 am]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[FRL–7134–7]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; States of Kansas, Missouri, and Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving the Commercial and Industrial Solid Waste Incineration (CISWI) section 111(d) negative declarations submitted by the states of Kansas, Missouri, and Nebraska. These negative declarations certify that CISWI units subject to the requirements of sections 111(d) and 129 of the Clean Air Act (CAA) do not exist in these states.

DATES: This direct final rule will be effective April 1, 2002 unless EPA receives adverse comments by February 28, 2002. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Comments may be mailed to Wayne Kaiser, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

Copies of documents relative to this action are available for public inspection during normal business hours at the above-listed Region 7 location. The interested persons wanting to examine these documents

should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Wayne Kaiser at (913) 551–7603.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

Information regarding this action is presented in the following order:

What is a 111(d) plan?
What are the regulatory requirements for CISWIs?
Why is this action necessary?
What action are we taking in this notice?

What Is a 111(d) Plan?

Section 111(d) of the CAA requires states to submit plans to control certain pollutants (designated pollutants) at existing facilities (designated facilities) whenever standards of performance have been established under section 111(b) for new sources of the same type, and EPA has established emission guidelines for such existing sources. A designated pollutant is any pollutant for which no air quality criteria have been issued, and which is not included on a list published under section 108(a) or section 112(b)(1)(A) of the CAA, but emissions of which are subject to a standard of performance for new stationary sources.

What Are the Regulatory Requirements for CISWIs?

On December 1, 2000 (65 FR 75338), EPA finalized the section 111(d) emission guidelines for existing CISWI units. The emission guidelines are codified at 40 CFR part 60, subpart DDDD.

Subpart B of 40 CFR part 60 establishes procedures to be followed and requirements to be met in the development and submission of state plans for controlling designated pollutants. Part 62 of the CFR provides the procedural framework for the submission of these plans. When designated facilities are located in a state, a state must develop and submit a plan for the control of the designated pollutant. However, 40 CFR 62.06 provides that if there are no existing sources of the designated pollutant in the state, the state may submit a letter of certification to that effect, or negative declaration, in lieu of a plan. The negative declaration exempts the state from the requirements of subpart B for that designated pollutant.

Why Is This Action Necessary?

The states of Kansas, Missouri, and Nebraska have determined there are no existing sources in their states subject to the CISWI emission guidelines (EG). Consequently, each state has submitted a letter of negative declaration certifying this fact. We are therefore announcing that these states do not have any sources subject to the EG. If at a later date such sources are identified, they will be subject to a Federal plan until a state has an approved 111(d) plan.

What Action Are We Taking in This Document?

We are processing this action as a final action because we do not anticipate any adverse comments. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision is severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state negative declarations as meeting Federal requirements and imposes no additional requirements. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves state negative declarations and does not impose any additional enforceable duty, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). For the same reason, this rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This rule will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves state negative declarations relating to a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing state plan submissions, our role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the state to use voluntary consensus standards (VCS), we have no authority to disapprove state submissions for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews state submissions, to use VCS in place of state submissions that otherwise satisfy the provisions of the CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, we have taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the Executive Order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. We will submit a report containing this rule and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 1, 2002. Filing a petition for reconsideration by the Administrator of this final rule does not affect the

finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects 40 CFR Part 62

Environmental protection, Administrative practice and procedures, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Sulfur oxides, Waste treatment and disposal.

Dated: January 14, 2002.

William Rice,

Acting Regional Administrator, Region 7.

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 62—[AMENDED]

1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart R—Kansas

2. Subpart R is amended by adding an undesignated center heading and § 62.4181 to read as follows:

Air Emissions From Existing Commercial and Industrial Solid Waste Incineration Units

§ 62.4181 Identification of plan—negative declaration.

Letter from the Kansas Department of Health and Environment submitted November 16, 2001, certifying that there are no commercial and industrial solid waste incineration units subject to 40 CFR part 60, subpart DDDD.

Subpart AA—Missouri

3. Subpart AA is amended by adding an undesignated center heading and § 62.6360 to read as follows:

Air Emissions From Existing Commercial and Industrial Solid Waste Incineration Units

§ 62.6360 Identification of plan—negative declaration.

Letter from the Missouri Department of Natural Resources submitted May 9, 2001, certifying that there are no commercial and industrial solid waste incineration units subject to 40 CFR part 60, subpart DDDD.

Subpart CC—Nebraska

4. Subpart CC is amended by adding an undesignated center heading and § 62.6916 to read as follows:

Air Emissions From Existing Commercial and Industrial Solid Waste Incineration Units

§ 62.6915 Identification of plan—negative declaration.

Letter from the Nebraska Department of Environmental Quality submitted June 8, 2001, certifying that there are no commercial and industrial solid waste incineration units subject to 40 CFR part 60, subpart DDDD.

[FR Doc. 02–2119 Filed 1–28–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[PA001–1001; FRL–7134–9]

Approval of Section 112(1) Authority for Hazardous Air Pollutants; City of Philadelphia; Department of Public Health Air Management Services

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule and delegation.

SUMMARY: EPA is taking direct final action to approve Philadelphia Department of Public Health Air Management Services's (AMS's) request for delegation of authority to implement and enforce its hazardous air pollutant regulations which have been adopted by reference from the Federal requirements set forth in the Code of Federal Regulations. This approval will automatically delegate future amendments to these regulations. For sources which are required to obtain a Clean Air Act operating permit, this delegation addresses all existing hazardous pollutant regulations. For sources which are not required to obtain a Clean Air Act operating permit, this delegation presently addresses the hazardous air pollutant regulations for perchloroethylene drycleaning facilities, hard and decorative chromium electroplating and chromium anodizing tanks, ethylene oxide sterilization facilities, halogenated solvent cleaning and secondary lead smelting. In addition, EPA is taking direct final action to approve of AMS's mechanism for receiving delegation of all future hazardous air pollutant regulations which it adopts unchanged from the Federal requirements. This mechanism entails submission of a delegation request letter to EPA following EPA notification of a new Federal requirement. EPA is not waiving its notification and reporting requirements under this approval; therefore, sources will need to send notifications and reports to both AMS and EPA. This action pertains to affected sources, as defined by the Clean Air Act's (CAA or the Act's) hazardous air pollutant program. EPA is taking this action in accordance with the CAA.

DATES: This direct final rule will be effective April 1, 2002 unless EPA receives adverse or critical comments by February 28, 2002. If adverse comment is received, EPA will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments on this action should be sent concurrently to: Makeba A. Morris, Chief, Permits and Technical Assessment Branch, Mail Code 3AP11, Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103–2029, and Morris Fine, Director, Air Management Services, Department of Public Health, City of Philadelphia, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103 and Air Management Services, Department of Public Health, City of Philadelphia, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104.

FOR FURTHER INFORMATION CONTACT: Dianne J. McNally, U.S. Environmental Protection Agency, Region 3, 1650 Arch Street (3AP11), Philadelphia, PA 19103–2029, mcnally.dianne@epa.gov (telephone 215–814–3297). Please note that any formal comments must be submitted, in writing, as provided in the **ADDRESSES** section of this document.

SUPPLEMENTARY INFORMATION:

I. Background

Section 112(l) of the Act and 40 Code of Federal Regulations (CFR) part 63, subpart E authorize EPA to approve of State rules and programs to be implemented and enforced in place of certain CAA requirements, including the National Emission Standards for Hazardous Air Pollutants set forth at 40 CFR part 63. EPA promulgated the program approval regulations on November 26, 1993 (58 FR 62262) and subsequently amended these regulations on September 14, 2000 (65 FR 55810).

An approvable State program must contain, among other criteria, the following elements:

(a) A demonstration of the state's authority and resources to implement and enforce regulations that are at least as stringent as the National Emission Standards for Hazardous Air Pollutant (NESHAP) requirements;

(b) A schedule demonstrating expeditious implementation of the regulation; and

(c) A plan that assures expeditious compliance by all sources subject to the regulation.

On March 30, 1998, AMS, through a letter from the Pennsylvania Department of Environmental Protection (PADEP), submitted to EPA a request to receive delegation of authority to implement and enforce the hazardous air pollutant regulations which have been adopted by reference from 40 CFR part 63. On May 13, 1999, PADEP submitted a copy of an Agreement for Implementation of the Philadelphia County Air Pollution Control Program between PADEP and AMS. These two submissions provided detailed information on AMS's legal and enforcement authority, resources, and implementation procedures for addressing the hazardous air pollutant regulations, among other regulations, at facilities required to obtain an operating permit under 40 CFR part 70. On August 29, 2001, AMS submitted to EPA a request to receive delegation of authority to implement and enforce the hazardous air pollutant regulations for perchloroethylene drycleaning facilities, hard and decorative chromium electroplating and chromium anodizing tanks, ethylene oxide sterilization facilities, halogenated solvent cleaning and secondary lead smelting which have been adopted by reference from 40 CFR part 63, subparts M, N, O, T and X, respectively. In this August 29, 2001 request, AMS also asked that EPA automatically delegate future amendments to these specific regulations and approve AMS's mechanism for receiving delegation of all future hazardous air pollutant regulations which it adopts unchanged from the Federal requirements. This mechanism entails submission of a delegation request letter to EPA following EPA notification of a new Federal requirement.

II. EPA's Analysis of AMS's Submittal

Based on AMS's program approval request and its pertinent laws and regulations, EPA has determined that such an approval is appropriate in that AMS has satisfied the criteria of 40 CFR 63.91. In accordance with 40 CFR 63.91(d)(3)(i), AMS submitted two written findings by the City Solicitor which demonstrate that AMS has the necessary legal authority to implement and enforce its regulations, including the enforcement authorities which meet 40 CFR 70.11, the authority to request information from regulated sources and the authority to inspect sources and records to determine compliance status. In accordance with 40 CFR 63.91(d)(3)(ii), AMS submitted copies of its statutes, regulations and requirements that grant authority to AMS to implement and enforce the regulations. In accordance with 40 CFR 63.91(d)(3)(iii)–(v), AMS submitted documentation of adequate resources and a schedule and plan to assure expeditious City implementation and compliance by all sources. Therefore, the AMS program has adequate and effective authorities, resources, and procedures in place for implementation and enforcement of the emission standards of 40 CFR part 63 at sources required to obtain an operating permit under 40 CFR part 70 and the emission standards of 40 CFR part 63, subparts M, N, O, T and X at sources which are not required to obtain an operating permit under 40 CFR part 70. In addition, the AMS program has adequate and effective authorities, resources and procedures in place for implementation and enforcement of any future emission standards, should AMS seek delegation for these standards. The AMS automatically adopts the emission standards promulgated in 40 CFR part 63 into its permitting program under Philadelphia Code 3–401 and Air Management Regulation I Section IX pursuant to section 6.6(a) of the Pennsylvania Air Pollution Control Act, 35 P.S. 4006.6(a) and 25 Pa. Code 127.35. The AMS has the primary authority and responsibility to carry out all elements of these programs for all sources covered in Philadelphia, including on-site inspections, record keeping reviews, and enforcement.

III. Terms of Program Approval and Delegation of Authority

In order for AMS to receive automatic delegation of future amendments to the hazardous air pollutant regulations, as they apply to facilities required to obtain a permit under 40 CFR part 70, and to the hazardous air pollutant regulations for perchloroethylene drycleaning facilities, hard and decorative chromium electroplating and chromium anodizing tanks, ethylene oxide sterilization facilities, halogenated solvent cleaning and secondary lead smelting emission standards, as they apply to facilities not required to obtain a permit under 40 CFR part 70, each amendment must be legally adopted by the City of Philadelphia. As stated earlier, these amendments are automatically adopted into AMS's permitting program under Philadelphia Code 3–401 and Air Management Regulation I Section IX pursuant to section 6.6(a) of the Pennsylvania Air Pollution Control Act, 35 P.S. 4006.6(a) and 25 Pa. Code 127.35. The delegation of amendments to these rules will be finalized on the effective date of the legal adoption.

EPA has also determined that AMS's mechanism for receiving delegation of future hazardous air pollutant regulations, which it adopts unchanged from the Federal requirements, can be approved. This mechanism requires AMS to submit a delegation request letter to EPA following EPA notification of a new Federal requirement. EPA will grant the delegation request, if appropriate, by sending a letter to AMS outlining the authority to implement and enforce the standard. The delegation will be finalized within 10 days of receipt of the delegation letter unless AMS files a negative response. The official notice of delegation of additional emission standards will be published in the **Federal Register.**

The notification and reporting provisions in 40 CFR part 63 requiring the owners or operators of affected sources to make submissions to the Administrator shall be met by sending such submissions to AMS and EPA Region III. If at any time there is a conflict between a AMS regulation and a Federal regulation, the Federal regulation must be applied if it is more stringent than that of AMS. EPA is responsible for determining stringency between conflicting regulations. If AMS does not have the authority to enforce the more stringent Federal regulation, it shall notify EPA Region III in writing as soon as possible, so that this portion of the delegation may be revoked.

If EPA determines that AMS's procedure for enforcing or implementing the 40 CFR part 63 requirements is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part in accordance with the procedures set out in 40 CFR 63.96(b).

Certain provisions of 40 CFR part 63 allow only the Administrator of EPA to take further standard setting actions. In addition to the specific authorities retained by the Administrator in 40 CFR 63.90(d) and the ''Delegation of Authorities'' section for specific standards, EPA Region III is retaining the following authorities, in accordance with 40 CFR 63.91(g)(2)(ii):

(1) approval of alternative non-opacity emission standards, *e.g.,* 40 CFR 63.6(g) and applicable sections of relevant standards;

(2) approval of alternative opacity standards, *e.g.,* 40 CFR 63.9(h)(9) and applicable sections of relevant standards;

(3) approval of major alternatives to test methods, as defined in 40 CFR 63.90(a), *e.g.,* 40 CFR 63.7(e)(2)(ii) and (f) and applicable sections of relevant standards;

(4) approval of major alternatives to monitoring, as defined in 40 CFR 63.90(a), *e.g.,* 40 CFR 63.8(f) and applicable sections of relevant standards; and

(5) approval of major alternatives to recordkeeping and reporting, as defined in 40 CFR 63.90(a), *e.g.*, 40 CFR 63.10(f) and applicable sections of relevant standards.

The following provisions are included in this delegation, in accordance with 40 CFR 63.91(g)(1)(i), and can only be exercised on a case-by-case basis. When any of these authorities are exercised, AMS must notify EPA Region III in writing:

(1) applicability determinations for sources during the title V permitting process and as sought by an owner/operator of an affected source through a formal, written request, *e.g.*, 40 CFR 63.1 and applicable sections of relevant standards; [1]

(2) responsibility for determining compliance with operation and maintenance requirements, *e.g.*, 40 CFR 63.6(e) and applicable sections of relevant standards;

(3) responsibility for determining compliance with non-opacity standards, *e.g.*, 40 CFR 63.6(f) and applicable sections of relevant standards;

(4) responsibility for determining compliance with opacity and visible emission standards, *e.g.*, 40 CFR 63.6(h) and applicable sections of relevant standards;

(5) approval of site-specific test plans, [2] *e.g.*, 40 CFR 63.7(c)(2)(i) and (d) and applicable sections of relevant standards;

(6) approval of minor alternatives to test methods, as defined in 40 CFR 63.90(a), *e.g.*, 40 CFR 63.7(e)(2)(i) and applicable sections of relevant standards;

(7) approval of intermediate alternatives to test methods, as defined in 40 CFR 63.90(a), *e.g.*, 40 CFR 63.7(e)(2)(ii) and (f) and applicable sections of relevant standards;

(8) approval of shorter sampling times/volumes when necessitated by process variables and other factors, *e.g.*, 40 CFR 63.7(e)(2)(iii) and applicable sections of relevant standards;

(9) waiver of performance testing, *e.g.*, 40 CFR 63.7 (e)(2)(iv), (h)(2), and (h)(3) and applicable sections of relevant standards;

(10) approval of site-specific performance evaluation (monitoring) plans [3], *e.g.*, 40 CFR 63.8(c)(1) and (e)(1) and applicable sections of relevant standards;

(11) approval of minor alternatives to monitoring methods, as defined in 40 CFR 63.90(a), *e.g.*, 40 CFR 63.8(f) and applicable sections of relevant standards;

(12) approval of intermediate alternatives to monitoring methods, as defined in 40 CFR 63.90(a), *e.g.*, 40 CFR 63.8(f) and applicable sections of relevant standards;

(13) approval of adjustments to time periods for submitting reports, *e.g.*, 40 CFR 63.9 and 63.10 and applicable sections of relevant standards; and

(14) approval of minor alternatives to recordkeeping and reporting, as defined in 40 CFR 63.90(a), *e.g.*, 40 CFR 63.10(f) and applicable sections of relevant standards.

As required, AMS and EPA Region III will provide the necessary written, verbal and/or electronic notification to ensure that each agency is fully informed regarding the interpretation of applicable regulations in 40 CFR part 63. In instances where there is a conflict between a AMS interpretation and a Federal interpretation of applicable regulations in 40 CFR part 63, the Federal interpretation must be applied if it is more stringent than that of AMS. Written, verbal and/or electronic notification will also be used to ensure that each agency is informed of the compliance status of affected sources in Philadelphia. The AMS will comply with all of the requirements of 40 CFR 63.91(g)(1)(ii). Quarterly reports will be submitted to EPA by AMS to identify sources determined to be applicable during that quarter.

Although AMS has primary authority and responsibility to implement and enforce the hazardous air pollutant regulations, nothing shall preclude, limit, or interfere with the authority of EPA to exercise its enforcement, investigatory, and information gathering authorities concerning this part of the Act.

IV. Final Action

EPA is approving AMS's request for delegation of authority to implement and enforce its hazardous air pollutant emission standards which have been adopted by reference from the Federal requirements set forth in 40 CFR part 63. This approval will automatically delegate future amendments to these regulations. For sources which are required to obtain an operating permit under 40 CFR part 70, this delegation addresses all existing hazardous pollutant emission standards as adopted by reference from 40 CFR part 63. For sources which are not required to obtain an operating permit under 40 CFR part 70, this delegation presently addresses the hazardous air pollutant regulations for perchloroethylene drycleaning facilities, hard and decorative chromium electroplating and chromium anodizing tanks, ethylene oxide sterilization facilities, halogenated solvent cleaning and secondary lead smelting as adopted by reference from 40 CFR part 63, subparts M, N, O, T and X. In addition, EPA is approving of AMS's mechanism for receiving delegation of all future hazardous air pollutant regulations which it adopts unchanged from the Federal requirements. This mechanism entails submission of a delegation request letter to EPA following EPA notification of a new Federal requirement. The delegation of authority shall be administered in accordance with the terms outlined in section IV., above. This delegation of authority is codified in 40 CFR 63.99. In addition, EPA Region III's address is corrected in 40 CFR 63.13.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial rule and anticipates no adverse comment because AMS's request for delegation of

[1] Applicability determinations are considered to be nationally significant when they:

(i) are unusually complex or controversial;

(ii) have bearing on more than one state or are multi-Regional;

(iii) appear to create a conflict with previous policy or determinations;

(iv) are a legal issue which has not been previously considered; or

(v) raise new policy questions and shall be forwarded to EPA Region III prior to finalization.

Detailed information on the applicability determination process may be found in EPA document 305–B–99–004 *How to Review and Issue Clean Air Act Applicability Determinations and Alternative Monitoring*, dated February 1999. The AMS may also refer to the Compendium of Applicability Determinations issued by the EPA and may contact EPA Region III for guidance.

[2] The AMS will notify EPA of these approvals on a quarterly basis for submitting a copy of the test plan approval letter. Any plans which propose major alternative test methods or major alternative monitoring methods shall be referred to EPA for approval.

[3] The AMS will notify EPA of these approvals on a quarterly basis by submitting a copy of the performance evaluation plan approval letter. Any plans which propose major alternative test methods or major alternative monitoring methods shall be referred to EPA for approval.

the hazardous air pollutant regulations and its request for automatic delegation of future amendments to these rules and future standards, when specifically identified, does not alter the stringency of these regulations and is in accordance with all program approval regulations. However, in the ''Proposed Rules'' section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve of AMS's request for delegation if adverse comments are filed. This rule will be effective on April 1, 2002 without further notice unless EPA receives adverse comment by February 28, 2002. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

V. Administrative Requirements

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant. In reviewing requests for rule approval under CAA section 112, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove requests for rule approval under CAA section 112 for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a request for rule approval under CAA section 112, to use VCS in place of a request for rule approval under CAA section 112 that otherwise satisfies the provisions of the CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings' issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 1, 2002. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action, pertaining to the approval of AMS's delegation of authority for the hazardous air pollutant emission standards (CAA section 112), may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects 40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control , Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: January 22, 2002

Judith M. Katz,

Director, Air Protection Division, Region III.

40 CFR part 63 is amended as follows:

PART 63—[AMENDED]

1. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 7401, et. seq.

2. Section 63.13 is amended by correcting the address for EPA Region III as follows:

§ 63.13 Addresses of State air pollution control agencies and EPA Regional Offices.

(a) * * *

EPA Region III (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia), Director, Air Protection Division, 1650 Arch Street, Philadelphia, PA 19103. * * *

Subpart E—Approval of State Programs and Delegation of Federal Authorities

3. Section 63.99 is amended by adding paragraph (a)(38)(iii) to read as follows:

§ 63.99 Delegated Federal Authorities.

(a) * * *

(38) * * *

(iii) Philadelphia is delegated the authority to implement and enforce all existing 40 CFR part 63 standards and all future unchanged 40 CFR part 63 standards, if delegation is requested by the City of Philadelphia Department of Public Health Air Management Services and approved by EPA Region III, at sources within the City of Philadelphia, in accordance with the final rule, dated January 29, 2002, effective April 1, 2002, and any mutually acceptable amendments to the terms described in the direct final rule.

[FR Doc. 02–2121 Filed 1–28–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[FRL–7130–7]

RIN 2060–AG12

Protection of Stratospheric Ozone: Removal of Restrictions on Certain Fire Suppression Substitutes for Ozone-Depleting Substances; and Listing of Substitutes

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to remove restrictions previously imposed on the use of certain substitutes for ozone-depleting substances (ODSs) under the Significant New Alternatives Policy (SNAP) program. Specifically, EPA is rescinding use conditions imposed under the SNAP program that limit human exposure to halocarbon and inert gas agents used in the fire suppression and explosion protection industry. These use conditions are redundant with safety standards that have since been established by the National Fire Protection Association (NFPA). These halocarbon and inert gas agents will now either be acceptable or acceptable subject to narrowed use limits, depending on the specific agent.

Today, EPA is also taking direct final action to change the listing from acceptable, subject to use conditions, to unacceptable, for a fire suppressant which the manufacturer has withdrawn from the market because of concerns about fetal toxicity; add a substitute to the SNAP list of acceptable substitutes with narrowed use limits in the fire suppression and explosion protection sector; and change a listing decision to remove a restriction from one substitute and to make it an acceptable agent for fire suppression and explosion protection, without use conditions or narrowed use limits. EPA is issuing a companion proposal to this direct final rule elsewhere in today's **Federal Register**. If we receive any adverse comments in response to an amendment, table, or table entry of the rule, EPA will withdraw those amendments, tables, or table entries of this direct final action and will consider and respond to any comments prior to taking any new, final action.

DATES: This rule is effective on April 1, 2002 without further notice, unless EPA receives adverse comment or receives a request for a public hearing by February 28, 2002. If we receive adverse comment or a request for a public hearing, we will publish a timely withdrawal in the **Federal Register** informing the public that all or amendments, tables, or table entries of this rule will not take effect.

ADDRESSES: Send your comments and data specific to this final rule to Docket A–91–42, U.S. Environmental Protection Agency, OAR Docket and Information Center, 1200 Pennsylvania Avenue NW., Mail Code 6102, Washington, DC 20460. The docket is physically located at 401 M Street, SW., Room M–1500. You may inspect the docket between 8 a.m. and 5:30 p.m. on weekdays. Telephone (202) 260–7548; fax (202) 260–4400. As provided in 40 CFR part 2, a reasonable fee may be charged for photocopying. To expedite review, send a second copy of your comments directly to Margaret Sheppard at the address listed below under For Further Information. Information designated as Confidential Business Information (CBI) under 40 CFR, part 2, Subpart 2, must be sent directly to the contact person for this notice. However, the Agency is requesting that all respondents submit a non-confidential version of their comments to the docket as well.

FOR FURTHER INFORMATION CONTACT: Margaret Sheppard at (202) 564–9163 or fax (202) 565–2155, U.S. Environmental Protection Agency, Global Programs Division, Mail Code 6205J, Washington, DC 20460. Overnight or courier deliveries should be sent to the office location at 501 3rd Street, NW., 4th floor; Washington, DC 20001. Also contact the Stratospheric Protection Hotline at (800) 296–1996 and EPA's Ozone Depletion World Wide Web site at *''http://www.epa.gov/ozone/title6/snap/''*.

SUPPLEMENTARY INFORMATION: In this direct final rule, EPA is removing, or in some cases, modifying, restrictions that were imposed on the use of certain substitutes for ODSs under the SNAP program in the fire suppression and explosion protection industry sector. Today's action also adds a fire suppression agent to the list of acceptable substitutes, subject to narrowed use limits. The regulations implementing the SNAP program are codified at 40 CFR part 82, subpart G. The appendices to subpart G list substitutes for ODSs that have had restrictions imposed on their use. The revisions in this direct final rule modify the appendices to subpart G.

EPA is publishing today's revisions to the SNAP lists without prior proposal because the Agency views them as non-controversial and anticipates no adverse comment. The most significant position of this rule is to simply remove restrictions that are now duplicative of standards of the National Fire Protection Association (NFPA). In addition, we are adding a new agent to the list of acceptable substitutes, subject to narrowed use limits, and changing the listing from acceptable, subject to use conditions, to unacceptable for an agent that is no longer sold or produced because of fetal toxicity and a high ozone depletion potential. This action does not place any significant new burden on the regulated community. Rather, it removes mandatory conditions on use of certain substitutes under the SNAP program while encouraging voluntary compliance with NFPA's 2001 Standard. For the only part of the action creating further restrictions, it is our understanding that the agent we are listing as unacceptable is not currently being used; thus, it should not add significantly to regulatory burden. Today's action decreases the regulatory burden on the fire protection community while continuing to protect human health and the environment. Members of the fire protection community participate on NFPA's technical committee that is responsible for developing and updating the 2001 standard and adhere to the standards set by NFPA. For these reasons, EPA anticipates that this action will be welcomed.

However, in the ''Proposed Rules'' section of today's **Federal Register** publication, EPA is publishing a

companion proposed rule that proposes the same actions as this direct final rule. The direct final rule will be effective on April 1, 2002 without further notice unless we receive adverse comment (or a request for a public hearing) by February 28, 2002. If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that all or amendments, tables, or table entries of this rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second public comment period on this action. Any parties interested in commenting must do so at this time.

You may claim that information in your comments is confidential business information, as allowed by 40 CFR part 2. If you submit comments and include information that you claim as confidential business information, we request that you submit them directly to Margaret Sheppard in two versions: one clearly marked ''Public'' to be filed in the public docket, and the other marked ''Confidential'' to be reviewed by authorized government personnel only.

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I. The Significant New Alternatives Policy (SNAP) Program and How It Works

A. What Are the Statutory Requirements and Authority for the SNAP Program?

Section 612 of the Clean Air Act (CAA) authorizes EPA to develop a program for evaluating alternatives to ozone-depleting substances. EPA refers to this program as the Significant New Alternatives Policy (SNAP) program. The major provisions of section 612 are:

- *Rulemaking*—Section 612(c) requires EPA to promulgate rules making it unlawful to replace any class I (chlorofluorocarbon, halon, carbon tetrachloride, methyl chloroform, methyl bromide, and hydrobromofluorocarbon) or class II (hydrochlorofluorocarbon) substance with any substitute that the Administrator determines may present adverse effects to human health or the environment where the Administrator has identified an alternative that (1) reduces the overall risk to human health and the environment, and (2) is currently or potentially available.
- *Listing of Unacceptable/Acceptable Substitutes*—Section 612(c) also requires EPA to publish a list of the substitutes unacceptable for specific uses. EPA must publish a corresponding list of acceptable alternatives for specific uses.
- *Petition Process*—Section 612(d) grants the right to any person to petition EPA to add a substitute to or delete a substitute from the lists published in accordance with section 612(c). The Agency has 90 days to grant or deny a petition. Where the Agency grants the petition, EPA must publish the revised lists within an additional six months.
- *90-day Notification*—Section 612(e) requires EPA to require any person who produces a chemical substitute for a class I substance to notify the Agency not less than 90 days before new or existing chemicals are introduced into interstate commerce for significant new uses as substitutes for a class I substance. The producer must also provide the Agency with the producer's health and safety studies on such substitutes.
- *Outreach*—Section 612(b)(1) states that the Administrator shall seek to maximize the use of federal research facilities and resources to assist users of class I and II substances in identifying and developing alternatives to the use of such substances in key commercial applications.
- *Clearinghouse*—Section 612(b)(4) requires the Agency to set up a public clearinghouse of alternative chemicals, product substitutes, and alternative manufacturing processes that are available for products and manufacturing processes which use class I and II substances.

B. How Do the Regulations for the SNAP Program Work?

On March 18, 1994, EPA published the original rulemaking (59 FR 13044) that described the process for administering the SNAP program and issued EPA's first acceptability lists for substitutes in the major industrial use sectors. These sectors include: refrigeration and air conditioning; foam blowing; solvents cleaning; fire suppression and explosion protection; sterilants; aerosols; adhesives, coatings and inks; and tobacco expansion. These sectors comprise the principal industrial sectors that historically consumed large volumes of ozone-depleting substances.

Anyone who produces a substitute for an ODS must provide the Agency with health and safety studies on the substitute at least 90 days before introducing it into interstate commerce for significant new use as an alternative. This requirement applies to chemical manufacturers, but may include importers, formulators or end-users when they are responsible for introducing a substitute into commerce.

The Agency has identified four possible decision categories for substitutes: acceptable; acceptable subject to use conditions; acceptable subject to narrowed use limits; and unacceptable. Use conditions and narrowed use limits are both considered ''use restrictions'' and are explained below. Substitutes that are deemed acceptable with no use restrictions (no use conditions or narrowed use limits) can be used for all applications within the relevant sector end-use. Substitutes that are acceptable subject to use restrictions may be used only in accordance with such restrictions. It is illegal to replace an ODS with a substitute listed as unacceptable.

After reviewing a substitute, the Agency may make a determination that a substitute is acceptable only if certain conditions of use are met to minimize risk to human health and the environment. Such substitutes are described as ''acceptable subject to use conditions.'' Use of such substitutes without meeting associated use conditions renders these substitutes unacceptable and subjects the user to enforcement for violation of section 612 of the Clean Air Act.

For some substitutes the Agency may permit a narrowed range of use within a sector (that is, the Agency may limit the use of a substitute to certain end-uses or specific applications within an

industry sector), to allow agents to be used in specific uses that would otherwise be deemed unacceptable. Such substitutes are described as ''acceptable subject to narrowed use limits.'' Users intending to adopt a substitute that is acceptable subject to narrowed use limits must ascertain that other acceptable alternatives are not technically feasible. Users must document the results of their evaluation, and retain the results on file for the purpose of demonstrating compliance. This documentation shall include descriptions of substitutes examined and rejected, processes or products in which the substitute is needed, reason for rejection of other alternatives (for example, performance, technical or safety standards), and the anticipated date other substitutes will be available and projected time for switching to other available substitutes. Use of such substitutes in applications and end-uses which are not specified as acceptable in the narrowed use limit renders these substitutes unacceptable.

The Agency publishes its SNAP program decisions in the **Federal Register**. For those substitutes that are deemed acceptable subject to use restrictions (use conditions and/or narrowed use limits), or for substitutes deemed unacceptable, EPA first publishes these decisions as proposals to allow the public opportunity to comment, and final decisions are published as final rulemakings. In contrast, substitutes that are deemed acceptable with no restrictions are published as ''notices of acceptability'', rather than as proposed and final rules. As described in the rule implementing the SNAP program (59 FR 13044), EPA does not believe that rulemaking procedures are necessary to list alternatives that are acceptable without restrictions because such listings neither impose any sanction nor remove any prior license to use a substitute.

Many SNAP listings include statements in the column labelled ''Further Information'' (or in earlier listings, ''Comments''). These comments provide additional information on substitutes determined to be either unacceptable, acceptable subject to narrowed use limits, or acceptable subject to use conditions. Since these statements are not part of the regulatory decision, they are not mandatory for use of a substitute unless they specifically reference regulatory requirements. Nor should the information be considered comprehensive with respect to other legal obligations pertaining to the use of the substitute. However, EPA encourages users of substitutes to apply all this information in their application of these substitutes, regardless of any regulatory requirements. In many instances, the information simply refers to sound operating practices that have already been identified in existing industry and/or building-code standards. Thus, many of the statements, if adopted, would not require significant changes in existing operating practices for the affected industry.

C. Where Can I Get Additional Information About the SNAP Program?

For copies of the comprehensive SNAP lists or additional information on SNAP, contact the Stratospheric Protection Hotline at (800) 296–1996, Monday-Friday, between the hours of 10 a.m. and 4 p.m. (EST). For more information on the Agency's process for administering the SNAP program or criteria for evaluation of substitutes, refer to the SNAP final rulemaking published in the **Federal Register** on March 18, 1994 (59 FR 13044), and see also the Code of Federal Regulations at 40 CFR part 82, subpart G. You can find a complete chronology of SNAP decisions and the appropriate **Federal Register** citations at EPA's Ozone Depletion World Wide Web site at *http://www.epa.gov/ozone/title6/snap/chron.html.*

II. Today's Regulatory Action

A. How Are ODSs and Their Substitutes Used in the Fire Suppression and Explosion Protection Industry Sector?

Substitutes for halons in the fire suppression and explosion protection industry are classified as either total flooding agents or streaming agents under the SNAP program. Today's action removes or modifies restrictions pertaining to workplace exposures on certain substitutes used as total flooding agents.

A total flooding fire protection system can be defined as ''a system consisting of an agent supply and distribution network designed to achieve a total flooding condition in a hazard volume,'' when total flooding is defined as ''the act and manner of discharging an agent for the purpose of achieving a specified minimum agent concentration throughout a hazard volume'' (National Fire Protection Association 2001 Standard for Clean Agent Fire Extinguishing Systems, 2000 Edition).

1. How Does the SNAP Program Assess Risk for Total Flooding Agents?

Beginning with the original SNAP rulemaking (March 18, 1994, 59 FR 13044) and continuing in subsequent rulemakings, EPA has listed several halocarbon and inert gas agents as acceptable substitutes for halons as total flooding agents. However, because of health risks associated with exposures at elevated concentrations of these agents, the acceptability decisions for halocarbon and inert gas agents were made subject to use conditions that are intended to limit human exposure to these agents.

For halocarbon agents, the health effect of concern is cardiac sensitization (an increase in the sensitivity of the heart to adrenaline). The use conditions for halocarbon substitutes under the SNAP program are based on the no observed adverse effect level (NOAEL) and lowest observed adverse effect level (LOAEL) for cardiac sensitization. See 59 FR 13098 (March 18, 1994).

For inert gas agents, the human health effect of concern is reduction of oxygen to potentially unsafe levels. The use conditions under the SNAP program for inert gas substitutes are based on minimum oxygen levels associated with use of the agent. See 59 FR 13098 (March 18, 1994).

In establishing standards for safe use of halocarbon total flooding alternatives, EPA based exposure limits on available animal toxicological data and established exposure times to be consistent with the exposure limits for halon 1301 in the Occupational Safety and Health Administration's (OSHA) standard on fixed fire suppression equipment (see 29 CFR 1910, subpart L sections 1910.162 and 1910.160). Section 1910.162 limits workers' exposure to halon 1301 by linking percent agent concentration in air with the length of time required to safely leave an area (the egress time). EPA developed standards for safe use of halocarbons that link percent concentration in air of the agent (based on the cardiac sensitization NOAEL and LOAEL as determined by animal testing) with egress times.

In establishing standards for safe use of inert gases used as alternatives to halons for total flooding applications, EPA linked minimum oxygen concentration in air with egress times. This is similar to the approach for setting exposure limits for halocarbon agents. For inert gases, we used 12% and 10% oxygen as functional equivalents of the NOAEL and LOAEL, respectively. See 59 FR 13108 and 13142 (March 18, 1994) and 61 FR 25588–25590 (May 22, 1996).

2. How Does the National Fire Protection Association Set Safety Standards for Total Flooding Agents?

The National Fire Protection Association (NFPA) is an independent,

voluntary membership, non-profit international organization that is dedicated to reducing the burden of fire on the quality of life by advocating scientifically-based consensus codes and standards, research, and education for fire and related safety issues. NFPA codes and standards are developed through a consensus process accredited by the American National Standards Institute (ANSI). NFPA codes and standards are used by the fire protection community throughout the United States and the world, and are widely used as a basis for legislation and regulation at all levels of government, from local to international.

Since 1896, the NFPA has been developing and updating scientifically based consensus codes and standards concerning all areas of fire safety. There are currently more than 300 NFPA fire codes and standards in use. Examples include NFPA 10 on Portable Extinguishers, NFPA 12 on Carbon Dioxide Systems, and NFPA 12A on Halon 1301 Systems. These standards allow for safe use of fire protection agents and systems.

NFPA codes and standards are developed and updated through an open, consensus-based process involving thousands of volunteers with technical expertise in a wide range of areas. Volunteers come from the fire services, educational institutions, businesses, insurance companies, industry, labor, consumers, and governing agencies. Any person can submit a proposal to NFPA for a new document or to update an existing one. Various technical committees, made up of volunteers representing a balance of different interests, are assigned to each project. The technical committee develops an initial draft of the project, and issues public notices asking for proposals to include in the document. The committee meets to consider all proposals on a project, and the proposals and the committee's action on them are published and made widely available to the public. Anyone may attend the committee meetings, and address technical committees. If a committee votes to approve their action on the proposals, a 60-day public comment period begins, after which the committee meets again to act on the comments (again anyone may attend the meeting and address the committee). If the committee votes to approve the comments, a report on the comments is published and is made available to anyone for review. The proposals and comments are then submitted for open debate at either of NFPA's twice annual Association meetings. Anyone (regardless of whether they are an NFPA member or not) can present their views on the proposal and comments at the annual meetings. After deliberation, the NFPA membership votes to either approve, amend, or return portions or the entire document to the technical committee. The technical committee then votes on any amendments to the document that were made at the NFPA Association meeting. Any person can file an appeal to NFPA if they are dissatisfied with actions taken during the development of codes and standards.

Building codes (or other local codes) specify requirements for fire protection systems based on the specific level of fire hazard present. These codes apply to the design, installation and operation of the fire protection system and assign the approval authority (or ''authority having jurisdiction,'' AHJ) that is responsible for determining that all systems installed meet the codes. The design and installation requirements for individual systems are based on compliance with applicable NFPA standards. NFPA standards apply to the fire protection agents, and the equipment and devices that make up the entire fire protection system. NFPA standards establish applicability of fire protection agents in particular system applications, and require that all equipment and devices used in a system be listed by a third party organization that is acceptable to the approval authority and is concerned with product evaluation. (''Listed'' means ''Equipment, materials or services included in a list published by an organization that is acceptable to the authority having jurisdiction and concerned with evaluation of products or services, that maintains periodic inspection of production of listed equipment or materials or periodic evaluation of services, and whose listing states that either the equipment, material, or service meets appropriate designated standards or has been tested and found suitable for a specified purpose.'' National Fire Protection Association 2001 Standard for Clean Agent Fire Extinguishing Systems, 2000 Edition)

At the time that EPA developed the original SNAP rule, neither a relevant regulatory agency (for example, OSHA) nor a voluntary consensus standard setting body (for example, NFPA) had yet established use conditions that would adequately limit human exposure to alternatives to halons used as total flooding agents, nor had they established a procedure for determining use conditions. Thus, we developed exposure criteria under the SNAP program to allow for safe use of these alternative agents (that is, halocarbon and inert gas agents) in the interim. In the original SNAP rule, EPA established use conditions to allow halocarbon and inert gas alternative agents to be safely used and to facilitate the transition from use of halon 1301 to these agents. *See* 59 FR 13102 and 13139 through 13143 (March 18, 1994).

As halocarbon and inert gas total flooding alternatives were being developed to replace halon 1301, NFPA began work on a voluntary consensus standard to address design, installation, maintenance and operation of systems using these alternatives. The resulting standard, first published February 11, 1994, is called NFPA 2001 Standard on Clean Agent Fire Extinguishing Systems. The NFPA 2001 Standard is approved by the American National Standards Institute. The NFPA technical committee that developed and updates the 2001 standard is the Technical Committee on Alternative Protection Options to Halon.

NFPA 2001 established use conditions designed to limit human exposure to the alternative total flooding agents. The original NFPA 2001 Standard restricted use of agents to areas that are not normally occupied, if used in concentrations exceeding the NOAEL concentration. Concentrations less than the NOAEL were allowed in areas that are normally occupied. However, these earlier versions of the NFPA standard did not set limits on the duration of exposure at concentrations less than the NOAEL, and did not establish egress times. Thus, the February 11, 1994 version of the standard did not include as much protection for human health as the March 18, 1994 final SNAP rule. Only the most recent revision to NFPA 2001 established standard egress times consistent with OSHA requirements and the SNAP use conditions.

The latest edition of NFPA 2001 was published in March 2000 (NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems 2000 Edition). This most recent version of the standard includes the following revisions to the exposure limits and times for halocarbon and inert gas agents:

- For *halocarbon agents*, the NFPA 2001 Standard has been revised to adopt the use of a physiologically-based pharmacokinetic (PBPK) model to establish limits on exposure concentrations and times. Use of the PBPK model is a more precise method of determining safe human exposure concentrations and times than the method contained in previous editions of NFPA 2001 and EPA's SNAP listings.

• For *inert gas agents*, the NFPA 2001 Standard has been revised to adopt the findings of an expert panel on health effects of hypoxic (low oxygen) atmospheres. This expert panel was convened by EPA to re-evaluate egress times for inert gas agents using the latest technical information. Based on the expert panel's findings, the egress times in the NFPA 2001 Standard were revised.

The latest NFPA 2001 Standard is based on the most current scientific information and procedures for assessing risks associated with the use of halocarbon and inert gas fire suppression agents. NFPA's 2001 Standard for Clean Agent Fire Extinguishing Systems is now the basis for regulation of halon replacement systems throughout North America and is also widely used in other parts of the world. Based on these developments, EPA has concluded that NFPA has established a standard that:

(1) Adequately addresses safe exposure limits and times for halocarbon and inert gas agents;

(2) Takes into account the latest science and;

(3) Is more up-to-date than the SNAP exposure limits and egress times for these agents. Thus, we believe that there now exists a standard industry procedure with a scientific basis to establish exposure levels and egress times and that the use conditions required by the SNAP program, which establish exposure levels and egress times for these agents, are redundant and should be rescinded.

B. How Is EPA Changing the SNAP Program's Existing Substitute Listings for Fire Suppression and Explosion Protection To Coordinate With the NFPA 2001 Standard?

Today EPA is rescinding the SNAP use conditions that limit human exposure to halocarbon and inert gas total flooding alternatives, and is instead referring to the latest NFPA 2001 Standard for safe use of these agents. EPA originally established exposure limits and egress times for these alternatives to allow for their safe use in the absence of existing standards that addressed these issues. In setting those conditions, EPA did not intend to preempt other regulatory authorities or standard-setting bodies from establishing exposure levels for these agents. In fact, as stated in the proposal for the original SNAP rule (58 FR 28098; May 12, 1993), EPA intended only to fill regulatory gaps until other controls or standards were developed; we intended to rescind any conditions that became redundant or irrelevant once such gaps were filled.

EPA has worked with NFPA on development of each edition of the 2001 standard, including the latest revisions, and plans to work with NFPA on future editions. Rather than modifying SNAP exposure limits and times to reflect the same changes as are in the latest NFPA 2001 Standard, EPA is rescinding the SNAP exposure limits and times and is instead deferring to NFPA 2001, as the appropriate American national industry standard.

Although EPA is removing use conditions on the use of halocarbon and inert gas alternatives, we believe that the fire protection community will continue to use these agents safely because the NFPA 2001 Standard establishes exposure limits and times for safe use of these agents. EPA believes that by rescinding the SNAP regulation's use conditions for halocarbon and inert gas agents, these agents will be used more efficiently for the following two reasons:

(1) The fire protection industry is familiar with NFPA standards and is accustomed to using the 2001 Standard in design, installation and use of systems with these agents, and will now only have to look to one source (the 2001 Standard) to determine conditions for safe use instead of looking to both the 2001 Standard and SNAP's exposure limits and times; and

(2) The recent revisions to the halocarbon exposure limits and times in NFPA 2001 (that is, incorporating use of PBPK model data to set concentrations and times) allow for more efficient use of the agents themselves. They allow for safe use of optimal concentrations of agents designed to extinguish a fire more quickly and thus reduce the development of hazardous breakdown products as the agents themselves are exposed to fire.

Relying on NFPA's 2001 Standard for the establishment of safe exposure limits and times for halocarbon and inert gas alternatives is consistent with the government's goal of adopting voluntary consensus standards where appropriate. EPA has served and plans to continue to participate in NFPA's Technical Committee on Halon Alternative Protection Options, the committee responsible for development of the 2001 Standard, in keeping with the government's goal of Federal agency participation in the development of voluntary consensus standards. These goals are outlined in Office of Management and Budget (OMB) Circular No. A–119 on Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities.

EPA is rescinding SNAP use conditions that limit human exposure to halocarbon and inert gases used as substitutes for halons in the total flooding end use because we believe the NFPA standard will provide necessary protection for human health and the environment. As required by section 612 of the Clean Air Act, the SNAP program will continue to: review halon alternatives to ensure that they reduce overall risks to human health and the environment; publish lists of acceptable and unacceptable substitutes; and prohibit the use of any substitute that may present adverse effects to human health or the environment (where EPA has identified an alternative that reduces overall risk and is currently or potentially available). In the future, we expect to defer to the NFPA and other standard-setting bodies where they establish appropriate voluntary consensus standards that are accepted and followed by the relevant industry.

As a result of our decision to rescind the use conditions described above, EPA is revising the SNAP listings for halocarbon and inert gas alternatives to include the following comment, ''Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems.'' In the edition of NFPA 2001 that was published in March 2000, safety guidelines for halocarbon and inert gas agents are found in section 1–6, entitled ''Safety.''

As described below under the heading ''How Do the Regulations for SNAP Program Work?'', the SNAP program includes four possible listing decisions. An alternative may be listed as: (1) Acceptable with no restrictions; (2) acceptable with use conditions; (3) acceptable with narrowed use limits; or (4) unacceptable. Use conditions and narrowed use limits are two different types of regulatory restrictions that affect use of alternatives. Use conditions govern how an alternative may be used (for example, establishing maximum concentrations and times that people may be exposed to an agent). In contrast, narrowed use limits govern where an alternative may be used (for example, restricting use of an agent to nonresidential uses only).

Each of the inert gas agents previously listed as acceptable total flooding agents under SNAP were subject to use conditions that limit human exposure to the agents, but no other restrictions. As these use conditions are rescinded as of today's action, the inert gas agents now fall under the category of acceptable

alternatives without restrictions. Most of the halocarbon agents previously listed as acceptable total flooding agents under SNAP were subject to use conditions that limit human exposure to the agents (with no other restrictions). Likewise, these now fall under the category of acceptable alternatives without restrictions. Acceptable substitutes without restrictions are not listed in appendix G to subpart G of part 82. However, you can find lists of acceptable substitutes on EPA's SNAP Program web site at *http://www.epa.gov/ozone/title6/snap/lists/index.html.* Table 1, below, summarizes today's acceptability listings.

TABLE 1.—SUMMARY OF ACCEPTABLE TOTAL FLOODING SUBSTITUTES, FIRE SUPPRESSION AND EXPLOSION PROTECTION SECTOR

End-use	Substitute	Decision	Further information
Total flooding	IG–01	Acceptable	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. See additional comments 1, 2, 5.
Total flooding	IG–100	Acceptable	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. See additional comments 1, 2, 5.
Total flooding	IG–541	Acceptable	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. This agent contains CO_2, which is intended to increase blood oxygenation and cerebral blood flow in low oxygen atmospheres. The design concentration should result in no more than 5% CO_2. See additional comments 1, 2, 5.
Total flooding	IG–55	Acceptable	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. See additional comments 1, 2, 5.
Total flooding	HFC–227ea	Acceptable	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. See additional comments 1, 2, 3, 4, 5.
Total flooding	HFC–125	Acceptable	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. See additional comments 1, 2, 3, 4, 5.
Total flooding	HFC–23	Acceptable	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. See additional comments 1, 2, 3, 4, 5.
Total flooding	HCFC–124	Acceptable	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. See additional comments 1, 2, 3, 4, 5.
Total flooding	HCFC Blend A	Acceptable	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. See additional comments 1, 2, 3, 4, 5.
Total flooding	HFC–134a	Acceptable	Use of blends containing this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. See additional comments 1, 2, 3, 4, 5, 6.
Total flooding	HCFC–22	Acceptable	Use of blends containing this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. See additional comments 1, 2, 3, 4, 5, 6.

Additional comments:
1—Should conform with relevant OSHA requirements, including 29 CFR 1910, Subpart L, Sections 1910.160 and 1910.162.
2—Per OSHA requirements, protective gear (SCBA) should be available in the event personnel should reenter the area.
3—Discharge testing should be strictly limited to that which is essential to meet safety or performance requirements.
4—The agent should be recovered from the fire protection system in conjunction with testing or servicing, and recycled for later use or destroyed.
5—EPA has no intention of duplicating or displacing OSHA coverage related to the use of personal protective equipment (*e.g.,* respiratory protection), fire protection, hazard communication, worker training or any other occupational safety and health standard with respect to halon substitutes.
6—The NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems gives guidelines for blends that contain HFC–134a or HCFC–22 and other acceptable total flooding agents, rather than referring to HFC–134a or HCFC–22 alone.

Two of the halocarbon agents in the above table, HFC–134a and HCFC–22, are not addressed in NFPA's 2001 Standard. Currently, neither of these agents is used (outside of blends) in total flooding systems in the U.S. For either of these agents to be used as total flooding agents (outside of any blend containing these agents that is already

addressed by NFPA 2001), a proposal would need to be submitted to NFPA to have the agent added to the 2001 Standard under NFPA's usual procedure for updating existing standards, and a total flooding system would need to be in compliance with any other local requirements. (NFPA's procedure for updating codes and standards is described above, under the heading ''NFPA's Safety Standards for Total Flooding Agents.'')

As noted, in previous SNAP listings, most of the halocarbons that are alternatives to halons for use as total flooding agents were subject to use conditions that limit human exposure without any additional restrictions. However, three halocarbon agents (HFC–236fa, C_3F_8 and C_4F_{10}) that we previously listed as acceptable were also subject to narrowed use limits that restrict where these alternatives may be used (in addition to use conditions that limit human exposure to the agents). Although EPA is today rescinding the use conditions regarding safe exposure to HFC–236fa, C_3F_8 and C_4F_{10}, the Agency is maintaining the narrowed use limits for these three agents. Therefore, these agents are still subject to restrictions under SNAP, and fall into the category of acceptable alternatives subject to narrowed use limits. The listings for these three agents are summarized in Table 2, below. EPA established the narrowed use limits imposed on the use of HFC–236fa, C_3F_8 and C_4F_{10} to restrict the use of these agents because of their relatively long atmospheric lifetimes and high global warming potentials, which are particularly high in the case of the perfluorocarbons (PFCs) C_3F_8 and C_4F_{10} (see Appendix H to subpart G of part 82).

Some agents have been listed in more than one appendix to subpart G of part 82. For example, when OSHA introduced standards for the use of C_3F_8 and C_4F_{10}, EPA revised the SNAP listing for those agents and placed them in a new Appendix, which then contained all relevant information for those agents. Thus, although C_3F_8 appeared both in Appendix B and appendix H, and C_4F_{10} appeared in both appendix A and appendix H, the listings in Appendices A and B for these agents were obsolete. Since we are revising the appendices to subpart G of part 82 at this time, we decided to leave only the more recent, complete decisions, found in appendix H, and to delete the obsolete listings in appendices A and B.

In reviewing the listings for total flooding agents, we found that there were a few agents that should be subject to a narrowed use limit, rather than subject to a use condition. For example, EPA had previously listed CF_3I as ''acceptable for use in normally unoccupied areas, subject to use conditions.'' We had originally stated in our decision that it is acceptable only for use in normally unoccupied areas, as well as subject to use conditions for the exposure limits and egress times. Although we are removing the use conditions regarding exposure limits and egress times, we believe that it is still appropriate to restrict the use of CF_3I to normally unoccupied areas. This is because we have not received information showing that this agent is safe to use in occupied areas. Consistent with our past practice for other substitutes, EPA now believes that this restriction should be included on the ''narrowed use'' list, rather than the ''use condition'' list. Thus, as an administrative matter, EPA is shifting CF_3I, with the limit on use to normally unoccupied areas, to the narrowed use list. This shift does not modify the substantive requirements applicable to use of CF_3I. (The same need to retain restrictions applies to some uses of the agent known as Gelled Halocarbon / Dry Chemical Suspension or Envirogel. Because there are additional actions that EPA is taking with respect to Envirogel and we believe it would be confusing to discuss our actions with respect to Envirogel in a piecemeal fashion, we discuss the retention of the restrictions as well as the other actions pertaining to Envirogel below in section II.D. of the preamble under the heading ''How is EPA's Decision on the Acceptability of Envirogel (Gelled Halocarbon / Dry Chemical Suspension) Changing in Today's Rule?''. For that reason, Envirogel is not included on Table 2 below; Tables 5 and 6 reflect all of the actions that EPA is taking on Envirogel in this notice.)

Finally, we also are changing the wording of the listing for SF_6 to list it as ''acceptable subject to narrowed use limits'' with a narrowed use limit that it be used only as a discharge testing agent in military applications and in civilian aircraft. (As new alternatives are now available for discharge testing, EPA will re-assess the acceptability listing of SF_6 in this application as part of a future regulatory review.) Currently, this restriction is listed in the ''use conditions'' list and, as with CF_3I, EPA believes that this restriction is more appropriately included in the narrowed use table. Thus, this also is a clarification of the limitations in the original decision, rather than a substantive change to the SNAP listings.

We also have slightly revised some information in the ''comments'' column, for the agents in Table 2 below. These are minor changes for consistency with current information and in presenting information about the Agency's decision. For example, we have added a note about the global warming potential and atmospheric lifetime of HFC–236fa to be consistent with the current comments for C_4H_{10}, C_3F_8, and SF_6. We also removed an obsolete reference about ODP data for the agent CF_3I.

TABLE 2.—TOTAL FLOODING SUBSTITUTES, ACCEPTABLE SUBJECT TO NARROWED USE LIMITS, FIRE SUPPRESSION AND EXPLOSION PROTECTION SECTOR*

End-use	Substitute	Decision	Conditions	Further information
Total Flooding	HFC-236fa	Acceptable subject to narrowed use limits.	Acceptable when manufactured using any process that does not convert perfluoroisobutylene (PFIB) directly to HFC-236fa in a single step: -for use in explosion suppression and explosion inertion applications and. -for use in fire suppression applications where other non-PFC agents or alternatives are not technically feasible due to performance or safety requirements: (a) because of their physical or chemical properties, or (b) where human exposure to the extinguishing agents may result in failure to meet safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems.	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. Users should observe the limitations on HFC-236fa acceptability by taking the following measures: (i) conduct an evaluation of foreseeable conditions of end-use; (ii) determine that the physical or chemical properties or other technical constraints of the other available agents preclude their use; and (iii) determine that human exposure to the other alternative extinguishing agents may result in failure to meet safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. Documentation of such measures should be available for review upon request. The principal evironmental characteristic of concern for HFC-236fa is its high GWP of 9400 and long atmospheric lifetime of 226 years. Actual contributions to global warming depend upon the quantities emitted. See additional comments 1, 2, 3, 4, 5.
Total flooding	C_3F_8	Acceptable subject to narrowed use limits.	Acceptable for nonresidential uses where other alternatives are not technically feasible due to performance or safety requirements: (a) because of their physical or chemical properties, or (b) where human exposure to the extinguishing agents may result in failure to meet safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems.	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. Users should observe the limitations on PFC acceptability by taking the following measures: (i) conduct an evaluation of foreseeable conditions of end-use; (ii) determine that the physical or chemical properties or other technical constraints of the other available agents preclude their use; and (iii) determine that human exposure to the other alternative extinguishing agents may result in failure to meet safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. Documentation of such measures should be available for review upon request. The principal environmental characteristic of concern for PFCs is that they have high GWPs and long atmospheric lifetimes. Actual contributions to global warming depend upon the quantities of PFCs emitted.

TABLE 2.—TOTAL FLOODING SUBSTITUTES, ACCEPTABLE SUBJECT TO NARROWED USE LIMITS, FIRE SUPPRESSION AND EXPLOSION PROTECTION SECTOR*—Continued

End-use	Substitute	Decision	Conditions	Further information
Total flooding	C_4F_{10}	Acceptable subject to narrowed use limits.	Acceptable for nonresidential uses where other alternatives are not technically feasible due to performance or safety requirements: (a) because of their physical or chemical properties, or (b) where human exposure to the extinguishing agents may result in failure to meet safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems.	See additional comments 1, 2, 3, 4, 5. Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. Users should observe the limitations on PFC acceptability by taking the following measures: (i) conduct an evaluation of foreseeable conditions of end-use; (ii) determine that the physical or chemical properties or other technical constraints of the other available agents preclude their use; and (iii) determine that human exposure to the other alternative extinguishing agents may result in failure to meet safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. Documentation of such measures should be available for review upon request. The principal enviromental characteristic of concern for PFCs is that they have high GWPs and long atmospheric lifetimes. Actual contributions to global warming depend upon the quantities of PFCs emitted.
Total flooding	CF_3I	Acceptable subject to narrowed use limits.	Use only in normally unoccupied areas.	See additional comments 1, 2, 3, 4, 5. Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. See additional comments 1, 2, 3, 4, 5.

*The decisions for Gelled Halocarbon/Dry Chemical Suspension (Envirogel) are summarized below in Section II.D. in Tables 5 and 6.

Additional comments:

1—Should conform with relevant OSHA requirements, including 29 CFR 1910, Subpart L, Sections 1910.160 and 1910.162.

2—Per OSHA requirements, protective gear (SCBA) should be available in the event personnel should reenter the area.

3—Discharge testing should be strictly limited to that which is essential to meet safety or performance requirements.

4—The agent should be recovered from the fire protection system in conjunction with testing or servicing, and recycled for later use or destroyed.

5—EPA has no intention of duplicating or displacing OSHA coverage related to the use of personal protective equipment (*e.g.,* respiratory protection), fire protection, hazard communication, worker training or any other occupational safety and health standard with respect to halon substitutes.

As noted, the Agency is rescinding the SNAP use conditions that limit human exposure to halocarbons or inert gases used as total flooding agents, and EPA is not rescinding any other use restrictions on any other substitutes for halons at this time. For example, narrowed use limits on substitutes used as total flooding agents remain the same, such as restrictions that limit use of a substitute to normally unoccupied areas. Existing use restrictions for total flooding substitutes other than halocarbons and inert gases also are not affected by today's action. Use conditions and narrowed use limits for substitutes for halons used as streaming agents are unaffected by today's direct final rule.

Previously listed total flooding agents other than halocarbon and inert gas agents that are not addressed by the NFPA 2001 standard are not affected by today's action. These include Inert Gas/Powdered Aerosol Blend, Powdered Aerosol C, Powdered Aerosol A, Carbon Dioxide, Foam A, Water, and Water mist (using potable or natural sea water). Today's action does not affect the existing SNAP listings for these agents in any way (use restrictions and/or comments apply to the use of many of these agents; see 40 CFR part 82 Subpart

G for complete listings). EPA may reconsider these listings in the future, depending upon the availability of technically feasible alternative methods to evaluate these other total flooding agents.

C. How Will Exposure Limits and Egress Times Be Determined for New Halocarbon and Inert Gas Total Flooding Agents in the Future?

EPA does not intend to establish exposure limits or egress times as use conditions for halocarbon and inert gas fire suppressants used as total flooding agents in future SNAP submissions. Instead, for any fire suppressant to be used as a total flooding agent that was previously unlisted, the manufacturer would need to submit a proposal to NFPA to have the agent added to the 2001 Standard under NFPA's usual procedure for updating existing standards. (described above under the heading ''NFPA's Safety Standards for Total Flooding Agents.'') A total flooding system would need to be in compliance with any other local requirements. The NFPA 2001 standard would take over the role of establishing exposure limits and egress times for total flooding agents.

As halocarbon or inert gas total flooding agents are submitted to the SNAP program in the future, EPA's regulations will continue to require the same information (including complete toxicological data) as has been required previously. The SNAP program will continue to evaluate these agents based on overall human health and environmental risks, and will publish listing decisions in the **Federal Register**. We plan to provide information on occupational exposure limits in future listing decisions, including the NOAEL and LOAEL. However, the SNAP listing would not specify exposure limits or egress times for halocarbon or inert gas total flooding agents; rather, we would expect submitters to request the NFPA 2001 committee to establish those values. A submitter would not need to receive exposure limits and egress times from the NFPA on their substitute, however, before EPA could decide on its acceptability under the SNAP program. To avoid confusion, we choose not to establish temporary exposure guidelines or use conditions under the SNAP program that could conflict with future, more appropriate exposure limits and egress times from the NFPA 2001 Committee. Not issuing use conditions on exposure for new agents also reduces administrative burden for the Agency and for submitters.

Importantly, we believe this approach will sufficiently protect public health and the environment. Generally, local fire codes reference NFPA standards where they exist. Therefore, we expect that the NFPA 2001 Committee will include new agents in the standard before new agents will be used. In addition, mentioning the NOAEL and LOAEL in SNAP decisions will assist users in assessing the health impacts of fire suppression agents, while avoiding potential conflicts with decisions of the NFPA committee. We expect that submitters of new agents will continue to work with the NFPA to have their agents included in the 2001 Standard, as has been the practice. We plan to participate in NFPA's voluntary consensus process on future editions of the 2001 Standard.

D. How is EPA Responding to the Withdrawal of HBFC–22B1 From the Market?

EPA previously listed HBFC–22B1 (tradename FM–100) as acceptable subject to use conditions for the total flooding end use for fire suppression in the March 18, 1994 SNAP rule. Since then, the manufacturer of HBFC–22B1 withdrew this fire suppression agent from the market because it was found to be a fetal toxin. Furthermore, this substitute has a high ozone depletion potential of 0.74, and its production was required to be phased out by January 1, 1996 (except for essential uses). Therefore, EPA is removing it from the list of acceptable substitutes and is listing it as an unacceptable substitute.

EPA reviewed the presentation of all listings for total flooding agents in the Code of Federal Regulations as part of rescinding use conditions for halocarbon and inert gas agents, as discussed above in section II.B. During that review, we decided that it was inappropriate to rescind the use conditions on HBFC–22B1 and list it as an acceptable substitute for halon 1301. We reasoned that if an agent is too toxic for the manufacturer to sell it, then the agent should be considered unacceptable under the SNAP program. In addition, because HBFC–22B1 has a relatively high ODP and because the manufacturer has withdrawn HBFC–22B1 from the market, we cannot consider this to be a viable substitute for halons that would help in the transition away from ozone depleting substances. Since listing this substitute as acceptable is contrary to the purpose of the SNAP program, we are listing it as an unacceptable substitute for halon 1301 in the total flooding end use in the fire protection sector. As a result of this listing, it will be unlawful to use HBFC–22B1 as a fire suppression agent as of the effective date of this regulation. This decision is summarized below in Table 3.

TABLE 3.—FIRE SUPPRESSION AND EXPLOSION PROTECTION SECTOR, TOTAL FLOODING SUBSTITUTES, UNACCEPTABLE SUBSTITUTES

End-use	Substitute	Decision	Further information
Halon 1301	HBFC–22B1	Unacceptable	HBFC–22B1 is a Class I ozone depleting substance with an ozone depletion potential of .74. Production was phased out January 1, 1996. The manufacturer of this agent removed it from the market because it is a fetal toxin.
Total Flooding Agents			

Because this agent has not been produced for more than five years, because it is not available for sale, and because we believe no one is currently using this agent, we expect that our decision will not have a substantial impact on the industry or users. Because there should be little or no impact and because the manufacturer has recognized its toxicity, we expect our decision will not be controversial. Therefore, EPA is giving notice today of our decision to find HBFC–22B1 unacceptable without prior proposal.

E. What New Fire Suppressant Is EPA Finding Acceptable Subject to Narrowed Use Limits in Today's Action?

A manufacturer of fire suppression agents submitted the new agent Halotron II for review by the SNAP program. The submitter for Halotron II requested that it be listed only for areas that are not normally occupied. EPA finds Halotron II acceptable as a substitute for halon 1301 for use as a total flooding agent in the fire suppression and explosion protection sector, subject to the following narrowed use limits: it may be used

only in areas that are not normally occupied. This agent is a blend of halocarbon and other gases.

EPA has reviewed the potential environmental impacts of this blend and concluded that, by comparison to halon 1301 and other substitutes for halon 1301, this blend reduces overall risk to the environment. The components of this blend have negligible ozone-depletion potential. EPA's review of all of the environmental and human health impacts of this blend is contained in the public docket for this rulemaking. This listing decision is summarized in Table 4, below.

TABLE 4.—TOTAL FLOODING SUBSTITUTES, ACCEPTABLE SUBJECT TO NARROWED USE LIMITS, FIRE SUPPRESSION AND EXPLOSION PROTECTION SECTOR

End-use	Substitute	Decision	Conditions	Further information
Total flooding	Halotron II	Acceptable subject to narrowed use limits.	Acceptable in areas that are not normally occupied only.	See additional comments 1, 2, 3, 4, 5.

Additional comments:
1—Should conform with relevant OSHA requirements, including 29 CFR 1910, Subpart L, Sections 1910.160 and 1910.162.
2—Per OSHA requirements, protective gear (SCBA) should be available in the event personnel should reenter the area.
3—Discharge testing should be strictly limited to that which is essential to meet safety or performance requirements.
4—The agent should be recovered from the fire protection system in conjunction with testing or servicing, and recycled for later use or destroyed.
5—EPA has no intention of duplicating or displacing OSHA coverage related to the use of personal protective equipment (*e.g.,* respiratory protection), fire protection, hazard communication, worker training or any other occupational safety and health standard with respect to halon substitutes.

EPA is adding Halotron II to the SNAP lists without prior proposal because the Agency views this as a non-controversial action and anticipates no adverse comment. We stated in the original SNAP rule that for substitutes that are deemed acceptable subject to use restrictions (use conditions and/or narrowed use limits), or for substitutes deemed unacceptable, we would publish these decisions as proposals to allow the public opportunity to comment on the decision. Although EPA is restricting use of this agent to areas that are not normally occupied, this limitation was requested by the submitter. Thus, we do not expect adverse comment. By listing Halotron II through direct final rulemaking, the Agency is expediting the addition of this agent to the list of acceptable substitutes, thereby providing greater opportunities for the public to transition from the use of halon to non-ozone-depleting alternatives.

F. How Is EPA's Decision on the Acceptability of Envirogel (Gelled Halocarbon/Dry Chemical Suspension) Changing in Today's Rule?

Envirogel (Gelled Halocarbon/Dry Chemical Suspension) is a blend of any of several hydrofluorocarbons (HFCs) with an additive. Today EPA is listing Envirogel as an acceptable substitute for total flooding in the fire suppression and explosion protection sector, using any of the HFCs that are addressed by NFPA's 2001 Standard.

EPA previously listed Envirogel as an acceptable substitute subject to use conditions for halon 1301 as a total flooding agent only in normally unoccupied areas in the **Federal Register** on June 13, 1995 (60 FR 31092) under the generic name Gelled Halocarbon/Dry Chemical Suspension.[1] Although we used a generic name to list this agent in the past, today we are listing the agent under its trade name, Envirogel.

The submitter of this agent originally requested SNAP review for unoccupied areas only. The submitter of Envirogel later re-submitted the agent with an ammonium polyphosphate additive for use in occupied areas. The SNAP program evaluated this agent for use in occupied areas and has determined that it is acceptable for such use. Thus, in today's action EPA is determining that Envirogel with the ammonium polyphosphate additive is acceptable for use in both occupied and unoccupied areas.

The original SNAP listing for this agent found it acceptable for use only in unoccupied areas, subject to use conditions on the exposure concentration and egress time, as discussed above in section II.B of the preamble (''How is EPA Changing the SNAP Program's Existing Substitute Listings for Fire Suppression and Explosion Protection to Coordinate with the NFPA 2001 Standard?''). Today's action rescinds those use conditions. Although Envirogel itself is not listed in NFPA's 2001 Standard, the hydrofluorocarbon gases that are used in this agent are addressed by the 2001 Standard. Use of Envirogel should be in accordance with the exposure limits set forth in NFPA 2001 for the particular hydrofluorocarbon gas used.

The original SNAP listing for this agent (60 FR 31092; June 13, 1995) included a discussion in the preamble regarding the use of either of two different additives (ammonium polyphosphate or monoammonium phosphate) with halocarbon gases. Note that today's decision, which broadens the acceptability of this agent to include use in occupied areas, only applies to the ammonium polyphosphate additive. Before this agent could be used in occupied areas with any additive other than ammonium polyphosphate, it would need separate review by the Agency. Envirogel used with monoammonium phosphate additive, when used as a total flooding agent as a substitute for halon 1301, is still subject to narrowed use limits.

Consistent with the discussion of CF_3I in section II.B of the preamble above, we are revising the previous listing from acceptable subject to use conditions (''acceptable for use in normally unoccupied areas'') to acceptable subject to narrowed use limits (''use only in normally unoccupied areas''). You can find the revised regulatory language below in Table 6. The EPA considers this an administrative revision that has no substantive implication for the use of Envirogel.

As discussed above, EPA is rescinding the use conditions on exposure limits for each of the SNAP-listed halocarbon fire protection agents that are addressed by NFPA's 2001 Standard. Use of Envirogel (Gelled Halocarbon / Dry Chemical Suspension) should be in accordance with the exposure limits set forth in the NFPA 2001 Standard, for whichever HFC gas is employed. The

[1] Envirogel also was previously listed as an acceptable substitute for halon 1211 as a streaming agent on August 26, 1994 (59 FR 44240) under the generic name Gelled Halocarbon/Dry Chemical Suspension.

listing decisions for Envirogel are summarized in Tables 5 and 6, below.

TABLE 5.—ACCEPTABLE TOTAL FLOODING SUBSTITUTES, FIRE SUPPRESSION AND EXPLOSION PROTECTION SECTOR

End-use	Substitute	Decision	Comments
Total flooding	Envirogel with ammonium polyphosphate additive.	Acceptable	Use of this agent should be in accordance with the safety guidelines in the latest additive edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems, for whichever hydrofluorocarbon gas is employed. Envirogel is listed as a streaming substitute under the generic name Gelled Halocarbon/Dry Chemical Suspension. Envirogel was also previously listed as a total flooding substitute under the same generic name. See additional comments 1, 2, 3, 4, 5.

Additional comments:
1—Should conform with relevant OSHA requirements, including 29 CFR 1910, Subpart L, Sections 1910.160 and 1910.162.
2—Per OSHA requirements, protective gear (SCBA) should be available in the event personnel should reenter the area.
3—Discharge testing should be strictly limited to that which is essential to meet safety or performance requirements.
4—The agent should be recovered from the fire protection system in conjunction with testing or servicing, and recycled for later use or destroyed.
5—EPA has no intention of duplicating or displacing OSHA coverage related to the use of personal protective equipment (e.g., respiratory protection), fire protection, hazard communication, worker training or any other occupational safety and health standard with respect to halon substitutes.

TABLE 6.—TOTAL FLOODING SUBSTITUTES, ACCEPTABLE SUBJECT TO NARROWED USE LIMITS, FIRE SUPPRESSION AND EXPLOSION PROTECTION SECTOR

End-use	Substitute	Decision	Conditions	Comments
Total flooding	Envirogel with any additive other than ammonium polyphosphate.	Acceptable subject to narrowed use limits.	Use only in normally unoccupied areas.	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems, for whichever hydrofluorocarbon gas is employed. Envirogel is listed as a streaming substitute under the generic name Gelled Halocarbon/Dry Chemical Suspension. Envirogel was also previously listed as a total flooding substitute under the same generic name. See additional comments 1, 2, 3, 4, 5.

Additional comments:
1—Should conform with relevant OSHA requirements, including 29 CFR 1910, Subpart L, Sections 1910.160 and 1910.162.
2—Per OSHA requirements, protective gear (SCBA) should be available in the event personnel should reenter the area.
3—Discharge testing should be strictly limited to that which is essential to meet safety or performance requirements.
4—The agent should be recovered from the fire protection system in conjunction with testing or servicing, and recycled for later use or destroyed.
5—EPA has no intention of duplicating or displacing OSHA coverage related to the use of personal protective equipment (e.g., respiratory protection), fire protection, hazard communication, worker training or any other occupational safety and health standard with respect to halon substitutes.

Envirogel (Gelled Halocarbon/Dry Chemical Suspension) has already been listed as an acceptable substitute under SNAP for total flooding applications. In today's decision, EPA does not impose any additional restrictions on the use of this agent, but rather is broadening the scope of its use as a substitute by finding Envirogel with ammonium polyphosphate additive to be acceptable as a substitute for halon 1301 for use as a total flooding agent in occupied areas. Thus, we do not expect adverse comment and EPA is giving notice today of our decision to broaden the scope of the existing SNAP listing for Envirogel without prior proposal.

G. How Will Today's SNAP Listings Fit in With Previous SNAP Listings in the Code of Federal Regulations?

Today's action revises many of the existing SNAP listings for total flooding halon substitutes. EPA is taking this opportunity to explain how today's listings will fit into the existing SNAP listings in the CFR, to avoid any confusion that might arise when comparing today's listings with previous SNAP listings.

The SNAP program has historically published listing decisions in separate tables depending on decision category. That is, separate tables have been published for substitutes that are deemed acceptable with no restrictions, for substitutes deemed acceptable subject to use conditions, for substitutes deemed acceptable subject to narrowed use limits, and for unacceptable substitutes. For substitutes that are subject to both use conditions and narrowed use limits (*i.e.,* HFC–236fa, C_3F_8 and C_4F_{10}), the SNAP program has historically included such substitutes in two separate tables (that is, in a table of substitutes subject to use conditions as well as in a table of substitutes subject to narrowed use limits).

When the original regulation implementing the SNAP program was published in March 1994, EPA also published the initial lists of substitutes (59 FR 13044). In that rulemaking, substitutes deemed acceptable subject to use restrictions (use conditions or narrowed use limits) or unacceptable were published in an appendix to the

regulation itself, and are therefore codified into the Code of Federal Regulations (CFR) as appendices to Subpart G of 40 CFR part 82. By contrast, substitutes that were deemed acceptable with no restrictions were only listed within the language of the preamble to the rule. Preamble language does not become codified in the CFR, and thus listings of substitutes that were deemed acceptable with no restrictions were not codified in the CFR. However, you can find lists of acceptable substitutes on the SNAP program web site or you may obtain a copy from EPA's Stratospheric Protection Hotline, as described below in the section I. C., ''Where Can I Get Additional Information about the SNAP Program?''

Subsequent SNAP listing decisions have been published in the same manner. That is, acceptable substitutes with no restrictions have continued to be listed only in preamble language (and thus not codified in the CFR), while substitutes in all other decision categories have continued to be published as additional appendices to the SNAP regulation (and 40 CFR part 82 subpart G has been amended to include these additional appendices). Each time a SNAP rulemaking has been published that would add substitutes to the lists of acceptable substitutes with restrictions or unacceptable substitutes, additional appendices have simply been added at the end of the existing appendices in Subpart G. Note that even in cases where a new listing modifies a previous listing, the new listings have simply been appended to the existing appendices in Subpart G without removal of previous listings. Thus, users generally should look to the latest appendices found in Subpart G to be sure that they are aware of the most current SNAP requirements for a particular substitute.

By rescinding the use conditions for previously listed halocarbon and inert gas agents today, many agents that had previously been listed in Subpart G as acceptable, subject to use conditions, now fall into the category of acceptable without restrictions. In keeping with the manner in which SNAP listing decisions have historically been published, we summarized these substitutes within this preamble (see Table 1, above). Under past practice, these listings would not become part of the regulations at 40 CFR part 82 subpart G because they merely present acceptable substitutes and do not impose any restrictions. Similarly, in today's rule we are removing from the Code of Federal Regulations those substitutes for halon 1301 that previously were subject to use conditions for use as total flooding agents and now are acceptable without restriction. These are the halocarbons or inert gases that are listed in the NFPA 2001 standard. As a result, for appendices A, C, H and I, we are removing the entire table for substitutes for halons for use as total flooding agents subject to use conditions. For appendix B, we are revising the table for total flooding agents subject to use conditions so that it will only include those total flooding agents that are neither halocarbons nor inert gases.

Envirogel (Gelled Halocarbon/Dry Chemical Suspension) was previously listed in appendix B of subpart G as an acceptable substitute subject to use conditions for use as a total flooding agent. That listing is now being deleted from appendix B. Today we are listing Envirogel with the ammonium polyphosphate additive as an acceptable substitute for halon 1301 as a total flooding agent. Because this listing does not require use conditions or narrowed use limits, it will not appear in the regulatory language at the end of this action and will not appear in the Code of Federal Regulations. We are also issuing a new listing for Envirogel with any additive other than ammonium polyphosphate as an acceptable substitute subject to narrowed use limits for use as a total flooding agent. This listing will appear in the new appendix J to Subpart G in the regulatory language at the end of this action and in the Code of Federal Regulations.

Three of the halocarbon substitutes for which the use conditions have been rescinded today (HFC–236fa, C_3F_8 and C_4F_{10}) were previously listed as acceptable subject to both use conditions and narrowed use limits. Although no longer subject to use conditions, these three substitutes still fall into the category of acceptable subject to narrowed use limits (summarized in Table 2, above). The previous listings for these agents will still appear in appendix H of Subpart G, with revisions to delete the use conditions and to refer to the NFPA 2001 standard, while earlier, outdated decisions for C_4F_{10} from Appendix A and for C_3F_8 from appendix B will be removed. The narrowed use limits for these three agents include a requirement for a demonstration that other alternatives are not technically feasible. Part of that demonstration references ''applicable use conditions.'' Those use conditions for exposure limits and egress times are being rescinded in today's rule and replaced with a recommendation to observe the guidelines in the NFPA 2001 Standard. Therefore, in our listings in today's rule, we are changing the second part of the conditions to refer to ''safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems,'' rather than referring to ''applicable use conditions.''

In summary, we are making the following changes in regulatory text:

- Deleting the existing tables for total flooding agents that are acceptable subject to use conditions in appendices A, C, H and I.
- Deleting the existing tables for total flooding agents that are acceptable subject to narrowed use limits in appendix A.
- Revising the existing table for total flooding agents that are acceptable subject to use conditions in appendix B.
- Revising existing tables for total flooding agents that are acceptable subject to narrowed use limits in appendices B and H.
- Adding a new appendix J with tables for total flooding agents that are acceptable subject to narrowed use limits and for unacceptable total flooding agents.

III. Administrative Requirements

A. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector.

Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Section 204 of the UMRA requires the Agency to develop a process to allow elected state, local, and tribal government officials to provide input in the development of any

proposal containing a significant Federal intergovernmental mandate.

Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Today's rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, or tribal governments or the private sector. Because this rule imposes no enforceable duty on any State, local or tribal government it is not subject to the requirements of sections 202 and 205 of the UMRA. EPA has also determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments; therefore, EPA is not required to develop a plan with regard to small governments under section 203. Finally, because this rule does not contain a significant intergovernmental mandate, the Agency is not required to develop a process to obtain input from elected state, local, and tribal officials under section 204.

B. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether this regulatory action is significant and therefore subject to OMB review and the requirements of the Executive Order. The Order defines significant regulatory action as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, OMB notified EPA that it considers this a ''significant regulatory action'' within the meaning of the Executive Order and EPA submitted this action to OMB for review. Changes made in response to OMB suggestions or recommendations will be documented in the public record.

C. Paperwork Reduction Act

EPA has determined that this final rule contains no information requirements subject to the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, that are not already approved by the Office of Management and Budget (OMB). OMB has reviewed and approved two Information Collection Requests (ICRs) by EPA which are described in the March 18, 1994 rulemaking (59 FR 13044, at 13121, 13146–13147) and in the October 16, 1996 rulemaking (61 FR 54030, at 54038–54039). These ICRs included five types of respondent reporting and record-keeping activities pursuant to SNAP regulations: submission of a SNAP petition, filing a SNAP/TSCA Addendum, notification for test marketing activity, record-keeping for substitutes acceptable subject to narrowed use limits, and record-keeping for small volume uses. The OMB Control Numbers are 2060–0226 and 2060–0350.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

D. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 6, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.''

This direct final rule does not have tribal implications. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. This direct final rule will remove regulatory restrictions on the use of certain fire suppressants and replace them with a recommendation to use industry standards. These standards are typically already required by state or local fire codes, and this rule does not require tribal governments to change their regulations. Thus, Executive Order 13175 does not apply to this rule.

E. Regulatory Flexibility Analysis

EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this final rule. EPA has also determined that this rule will not have a significant economic impact on a substantial number of small entities. For purposes of assessing the impact of today's rule on small entities, small entities are defined as (1) a small business that produces or uses fire suppressants as total flooding agents with 500 or fewer employees or total annual receipts of $5 million or less; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's final rule on small entities, EPA has concluded that this action will not have a significant

economic impact on a substantial number of small entities. Primarily, the rule removes regulatory restrictions on the use of most fire-suppressants used as total flooding agents and, instead, defers to the voluntary consensus standards set by the National Fire Protection Association. Thus, users of these substitutes are being relieved of regulatory constraints. For this action, EPA is also changing the listing of a substitute from acceptable subject to use conditions to unacceptable. This agent, HBFC–22B1, was phased out of production more than five years ago, except for a few essential uses. Later, the manufacturer withdrew it from the market because of its toxicity. Because this agent is generally unavailable and because of the potential liability associated with its toxic effects, EPA believes it is extremely unlikely that anyone is currently using this agent. We expect that listing this agent as an unacceptable substitute will have no significant impact on a substantial number of small entities. With respect to EPA's decision on Halotron II, EPA is finding it acceptable for all uses requested by the manufacturer. Moreover, the manufacturer of the new fire suppressant, Halotron II, has not yet sold it, so today's action does not affect, in any way, current usage. For Envirogel, today's action removes the use conditions and narrowed use limit on Envirogel with one additive, while maintaining the existing narrowed use limit on Envirogel used with all other additives. Thus, EPA is removing several regulatory constraints on the current ability of any entity, including small entities, to use this substitute. In addition, today's rule prevents potential conflicts between EPA regulations and existing state, local and tribal fire code requirements that incorporate NFPA standards by referring to standards of the NFPA.

Although this final rule will not have a significant economic impact on a substantial number of small entities, EPA nonetheless has tried to reduce the impact of this rule on small entities. By introducing new substitutes and removing regulatory restrictions on a number of acceptable substitutes, today's rule gives additional flexibility to small entities that are concerned with fire suppression. EPA also has worked closely together with the National Fire Protection Association, which conducts regular outreach with, and involves small state, local, and tribal governments in developing and implementing relevant fire protection standards and codes.

F. Applicability of Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045: ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This final rule is not subject to the Executive Order because it is not economically significant as defined in Executive Order 12866, and because the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. The acceptability listings and the removal of use conditions on the use of halocarbon and inert gas fire suppressants in this final rule primarily apply to the workplace, and thus, do not put children at risk disproportionately. The Agency finds HCFC–22B1 unacceptable in today's action. This agent is a fetal toxin, and thus, could be considered to put children at risk disproportionately. However, because this agent is generally unavailable and because of the potential liability associated with its toxic effects, EPA believes it is extremely unlikely that anyone is currently using this agent. Therefore, our action on this chemical is not likely to change the risk to children. This rule is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866 and because the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

G. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law No. 104–113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This rulemaking involves technical standards. EPA has decided to use the NFPA 2001 Standard on Clean Agent Fire Extinguishing Systems, 2000 edition, a voluntary consensus standard developed by the National Fire Protection Association (NFPA). You can obtain copies of this standard by calling the NFPA's telephone number for ordering publications at 1–800–344–3555 and requesting order number S3–2003–00. The NFPA 2001 standard meets the objectives of the rule by setting scientifically-based guidelines for exposure to halocarbon and inert gas agents used to extinguish fires. In addition, EPA has worked in consultation with OSHA to encourage development of technical standards to be adopted by voluntary consensus standards bodies.

H. Executive Order 13132 (Federalism)

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

This direct final rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This final rule will remove regulatory restrictions on the use of certain fire suppressants and replace them with a recommendation to use industry standards. These standards are typically already required by state or local fire codes, and this rule does not require state, local, or tribal governments to change their regulations. Thus, Executive Order 13132 does not apply to this rule.

I. Judicial Review

Under section 307(b)(1) of the Act, EPA finds that these regulations are of national applicability. Accordingly, judicial review of the action is available only by the filing of a petition for review in the United States Court of Appeals for the District of Columbia Circuit within sixty days of publication of the action in the **Federal Register**. Under section 307(b)(2), the requirements of this rule may not be challenged later in the judicial proceedings brought to enforce those requirements.

J. Executive Order 13211 (Energy Effects)

This rule is not a ''significant energy action'' as defined in Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)) because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Primarily, the rule removes regulatory restrictions on the use of most fire-suppressants used as total flooding agents and, instead, defers to a voluntary consensus standard. Thus, users of these substitutes are being relieved of regulatory constraints. In addition, the rule allows wider use of substitutes, providing greater flexibility for industry. For the one substitute not acceptable, EPA believes it is unlikely that anyone is currently using this agent because this agent is generally unavailable and because of the potential liability associated with its toxic effects. Further, we have concluded that this rule is not likely to have any adverse energy effects.

K. Submittal to Congress and General Accounting Office

The Congressional Review Act (CRA), 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective on April 1, 2002.

List of Subjects in 40 CFR Part 82

Environmental protection, Administrative practice and procedure, Air pollution control, Reporting and recordkeeping requirements.

Dated: January 15, 2002.

Christine Todd Whitman,

Administrator.

For the reasons set out in the preamble, 40 CFR part 82 is amended as follows:

PART 82—PROTECTION OF STRATOSPHERIC OZONE

1. The authority citation for part 82 continues to read as follows:

Authority: 42 U.S.C. 7414, 7601, 7671–7671q.

Subpart G—Significant New Alternatives Policy Program

2. Appendix A to Subpart G of part 82 is amended by:

a. Removing the heading and table for ''Fire Suppression and Explosion Protection Total Flooding Agents, Substitutes Acceptable Subject To Use Conditions.''

b. Removing the heading and table for ''Fire Suppression and Explosion Protection Total Flooding Agents, Substitutes Acceptable Subject To Narrowed Use Limits.''

3. Appendix B of Subpart G of part 82 is amended by:

a. Amending the table entitled ''Fire Suppression and Explosion Protection—Acceptable Subjects to Use Conditions: Total Flooding Agents'' by removing the entries ''C3H8'', ''CF3I'' and ''Gelled Halocarbon/Dry Chemical Suspension'.

b. Adding a sentence to the end of footnote 1 to the table entitled ''Fire Suppression and Explosion Protection—Acceptable Subjects to Use Conditions: Total Flooding Agents''.

c. Revising the table entitled ''Fire Suppression And Explosion Protection-Acceptable Subject to Narrowed Use Limits: Total Flooding Agents''.

The revisions read as follows:

Appendix B to Subpart G of Part 82—Substitutes Subject to Use Restrictions and Unacceptable Substitutes

* * * * *

Fire Suppression and Explosion Protection—Acceptable Subjects to Use Conditions: Total Flooding Agents

* * * * *

[1] * * * You should use clean agents in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems.

* * * * *

Fire Suppression and Explosion Protection—Acceptable Subject to Narrowed Use Limits: Total Flooding Agents

End-use	Substitute	Decision	Conditions	Further information
Total flooding	Sulfurhexafluoride (SF_6).	Acceptable subject to narrowed use in limits.	May be used as a discharge test agent in military uses and in civilian aircraft uses only.	This agent has an atmospheric lifetime greater than 1,000 years, with an estimated 100-year, 500-year, and 1,000-year GWP of 16,100, 26,110 and 32,803 respectively. Users should limit testing only to that which is essential to meet safety or performance requirements. This agent is only used to test new Halon 1301 systems. See additional comments 1, 2, 3, 4, 5.
Total flooding	CF_3I	Acceptable subject to narrowed use limits.	Use only in normally unoccupied areas.	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. Manufacturer has not applied for listing for use in normally occupied areas. Preliminary cardiosensitization data indicates that this agent would not be suitable for use in normally occupied areas. See additional comments 1, 2, 3, 4, 5.

Additional comments:

1—Must conform with relevant OSHA requirements, including 29 CFR 1910, Subpart L, Sections 1910.160 and 1910.162.
2—Per OSHA requirements, protective gear (SCBA) should be available in the event personnel should reenter the area.
3—Discharge testing should be strictly limited to that which is essential to meet safety or performance requirements.
4—The agent should be recovered from the fire protection system in conjunction with testing or servicing, and recycled for later use or destroyed.
5—EPA has no intention of duplicating or displacing OSHA coverage related to the use of personal protective equipment (e.g., respiratory protection), fire protection, hazard communication, worker training or any other occupational safety and health standard with respect to halon substitutes.

* * * * *

4. Appendix C to Subpart G of part 82 is amended by removing the heading and table for ''Fire Suppression and Explosion Protection—Acceptable Subject to Use Conditions: Total Flooding Agents.''

5. Appendix H of Subpart G of part 82 is amended by:

a. Removing the heading and table for ''Fire Suppression and Explosion Protection—Total Flooding Agents—Acceptable Subject to Use Conditions.''

b. Revising the table for ''Fire Suppression and Explosion Protection Total Flooding Agents—Acceptable Subject to Narrowed Use Limits'' to read as follows:

Fire Suppression and Explosion Protection—Acceptable Subject to Narrowed Use Limits: Total Flooding Agents

End-use	Substitute	Decision	Conditions	Further information
Total flooding	HFC–236fa	Acceptable subject to narrowed use limits.	Acceptable when manufactured using any process that does not convert perfluoroisobutylene (PFIB) directly to HFC–236fa in a single step: for use in explosion suppression and explosion inertion applications, and for use in fire suppression applications where other non-PFC agents or alternatives are not technically feasible due to performance or safety requirements: (a) because of their physical or chemical properties, or (b) where human exposure to the extinguishing agents may result in failure to meet safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems.	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Systems. Users should observe the limitations on HFC–236fa acceptability by taking the following measures: (i) conduct an evaluation of foreseeable conditions of end-use; (ii) determine that the physical or chemical properties, or other technical constraints of the other available agents preclude their use; and (iii) determine that human exposure to the other alternative extinguishing agents may result in failure to meet safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. Documentation of such measures should be available for review upon request. The principal environmental characteristic of concern for HFC–236fa is its high GWP of 9400 and long atmospheric lifetime of 226 years. Actual contributions to global warming depend upon the quantities emitted. See additional comments 1, 2, 3, 4, 5.
Total flooding	C_3F_8	Acceptable subject to narrowed use limits.	Acceptable for nonresidential uses where other alternatives are not technically feasible due to performance or safety requirements:. (a) because of their physical or chemical properties, or (b) where human exposure to the extinguishing agents may result in failure to meet safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems.	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. Users should observe the limitations on PFC acceptability by taking the following measures: (i) conduct an evaluation of foreseeable conditions of end-use; (ii) determine that the physical or chemical properties or other technical constraints of the other available agents preclude their use; and

End-use	Substitute	Decision	Conditions	Further information
				(iii) determine that human exposure to the other alternative extinguishing agents may result in failure to meet safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. Documentation of such measures should be available for review upon request. The principal environmental characteristic of concern for PFCs is that they have high GWPs and long atmospheric lifetimes. Actual contributions to global warming depend upon the quantities of PFCs emitted. See additional comments 1, 2, 3, 4, 5.
Total flooding	C_4F_{10}	Acceptable subject to narrowed use limits.	Acceptable for nonresidential uses where other alternatives are not technically feasible due to performance or safety requirements: (a) because of their physical or chemical properties, or (b) where human exposure to the extinguishing agents may result in failure to meet safety guidelinesin the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems.	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. Users should observe the limitations on PFC acceptability by taking the following measures: (i) conduct an evaluation of foreseeable conditions of end-use; (ii) determine that the physical or chemical properties or other technical constraints of the other available agents preclude their use; and (iii) determine that human exposure to the other alternative extinguishing agents may result in failure to meet safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems Documentation of such measures should be available for review upon request. The principal environmental characteristic of concern for PFCs is that they have high GWPs and long atmospheric lifetimes. Actual contributions to global warming depend upon the quantities of PFCs emitted. See additional comments 1, 2, 3, 4, 5.

Additional comments:

1—Should conform with relevant OSHA requirements, including 29 CFR 1910, Subpart L, Sections 1910.160 and 1910.162.

2—Per OSHA requirements, protective gear (SCBA) should be available in the event personnel should reenter the area.

3—Discharge testing should be strictly limited to that which is essential to meet safety or performance requirements.

4—The agent should be recovered from the fire protection system in conjunction with testing or servicing, and recycled for later use or destroyed.

5—EPA has no intention of duplicating or displacing OSHA coverage related to the use of personal protective equipment (e.g., respiratory protection), fire protection, hazard communication, worker training or any other occupational safety and health standard with respect to halon substitutes.

* * * * *

6. Appendix I to Subpart G of part 82 is amended by removing the heading and table for ''Fire Suppression and Explosion Protection—Total Flooding Agents [Substitutes Acceptable Subject to Use Conditions].''

7. Subpart G of part 82 is amended by adding Appendix J to read as follows:

Appendix J to Subpart G of Part 82-Substitutes listed in the January 29, 2002 Final Rule, effective April 1, 2002.

FIRE SUPPRESSION AND EXPLOSION PROTECTION SECTOR—TOTAL FLOODING SUBSTITUTES—ACCEPTABLE SUBJECT TO NARROWED USE LIMITS

End-use	Substitute	Decision	Conditions	Further information
Total flooding	Halotron II	Acceptable subject to narrowed use limits.	Acceptable in areas that are not normally occupied only.	See additional comments 1, 2, 3, 4, 5.
Total flooding	Envirogel with any additive other than ammonium polyphosphate.	Acceptable subject to narrowed use limits.	Acceptable in areas that are not normally occupied only.	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems, for whichever hydrofluorocarbon gas is employed. Envirogel is listed as a streaming substitute under the generic name Gelled Halocarbon / Dry Chemical Suspension. Envirogel was also previously listed as a total flooding substitutes under the same generic name. EPA has found Envirogel with the ammonium polyphosphate additive to be acceptable as a total flooding agent in both occupied and unoccupied areas. See additional comments 1, 2, 3, 4, 5.

Additional comments:
1—Should conform with relevant OSHA requirements, including 29 CFR 1910, Subpart L, Sections 1910.160 and 1910.162.
2—Per OSHA requirements, protective gear (SCBA) should be available in the event personnel should reenter the area.
3—Discharge testing should be strictly limited to that which is essential to meet safety or performance requirements.
4—The agent should be recovered from the fire protection system in conjunction with testing or servicing, and recycled for later use or destroyed.
5—EPA has no intention of duplicating or displacing OSHA coverage related to the use of personal protective equipment (e.g., respiratory protection), fire protection, hazard communication, worker training or any other occupational safety and health standard with respect to halon substitutes.

FIRE SUPPRESSION AND EXPLOSION PROTECTION SECTOR—TOTAL FLOODING SUBSTITUTES—UNACCEPTABLE SUBSTITUTES

End-Use	Substitute	Decision	Further Information
Halon 1301	HBFC–22B1	Unacceptable	HBFC–22B1 is a Class I ozone depleting substance with an ozone depletion potential of 0.74.
Total Flooding Agents	.....	.....	The manufacturer of this agent terminated production of this agent January 1, 1996, except for critical uses, and removed it from the market because it is a fetal toxin.

[FR Doc. 02–1495 Filed 1–28–02; 8:45 am]
BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 98–67; FCC 01–371]

Telecommunications Services for Individuals With Hearing and Speech Disabilities; Recommended Telecommunications Relay Services Cost Recovery Guidelines; Request by Hamilton Telephone Company for Clarification and Temporary Waivers

AGENCY: Federal Communications Commission.

ACTION: Final rule; guidelines and clarification.

SUMMARY: In this *Memorandum Opinion and Order (MO&O),* the Federal Communications Commission (FCC or Commission), adopts cost-recovery guidelines for telecommunications relay services (TRS), speech-to-speech relay services (STS), and video relay services (VRS). These guidelines are based, in part, on the recommendation of the Interstate TRS Advisory Council and the TRS Fund Administrator (Advisory Council and Fund Administrator, respectively). The *MO&O* also addresses Hamilton Telephone Company's (Hamilton) petition for clarification. The Commission agrees that, under the current rules, there is no mandate for VRS providers to provide STS. The Commission also finds that VRS providers are not required to provide Spanish relay service at this time. VRS allows individuals with hearing and speech disabilities who use sign language to communicate with voice telephones.

DATES: Effective February 28, 2002.

FOR FURTHER INFORMATION CONTACT: Pam Slipakoff, 202/418–7705, Fax 202/418–2345, TTY 202/418–0484, *pslipako@fcc.gov,* Network Services Division, Common Carrier Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the *Memorandum Opinion and Order, CC Docket No. 98–67, FCC 01–371,* adopted December 17, 2001 and released December 21, 2001. The full text of the *MO&O* is available for inspection and copying during the weekday hours of 9 a.m. to 4:30 p.m. in the FCC Reference Center, Room CY–A257, 445 12th Street, SW., Washington, DC 20554, or copies may be purchased from the Commission's copy contractor, Qualex International, 445 12th Street, SW., Suite CY–B402, Washington, DC 20554, phone (202) 863–2893.

Synopsis of the Memorandum Opinion and Order CC Docket No. 98–67

1. Title IV of the Americans with Disabilities Act of 1990 (ADA) requires the Commission to ensure that TRS is available to the extent possible and in the most efficient manner to persons

with hearing or speech disabilities in the United States. The Commission first ordered all carriers to provide TRS services nationwide on July 26, 1991. The rules for cost recovery were established in the *TRS Third Report and Order,* 58 FR 39671 (July 26, 1993). The Commission's rules require TRS providers to submit annually to the TRS Fund Administrator the data necessary to compute the TRS Fund requirements and payments. The administrator uses these data to develop formulas that are filed annually with the Commission. Payments to relay service providers are distributed based on the approved formulas. The compensation formulas are based on conversation minutes of use for completed interstate TRS calls. The *TRS Third Report and Order* required that the cost of interstate TRS be recovered from all subscribers of every interstate service, utilizing a shared funding cost recovery mechanism. The *TRS Third Report and Order* further mandated that every carrier providing interstate telecommunications services contribute to the TRS Fund on the basis of gross interstate and international telecommunications revenues. In its July 1998 Biennial Review streamlining carrier reporting requirements, the Commission changed the contribution base from gross interstate and international telecommunications revenues to end user interstate and international telecommunications revenues.

2. On March 6, 2000, the Commission released the *Improved TRS Order,* 65 FR 38490 (June 21, 2000), which amended the rules governing the delivery of TRS by expanding the kinds of relay services available to consumers and by improving the quality of relay services. The *Improved TRS Order* changed many of the definitions and standards for traditional TRS and added STS and Spanish relay services as requirements. It also permitted the recovery of VRS costs through the interstate TRS funding mechanism. Finally, the *Improved TRS Order* directed the Advisory Council and the Fund Administrator to develop recommendations for how the compensation formula for each service should be structured.

3. On November 9, 2000, the Advisory Council and the Fund Administrator submitted recommended guidelines outlining proposed cost recovery procedures for traditional TRS, STS, and VRS. The recommendations were originally placed on Public Notice on December 6, 2000, with comments due on January 5, 2001 and reply comments due on January 19, 2001. On July 9, 2001, a public notice was placed in the **Federal Register**, seeking additional comment on the recommendations. 66 FR 35765 (July 9, 2001).

4. On April 6, 2001, Hamilton filed a request for clarification and temporary waiver of certain aspects of the *Improved TRS Order* relating to the provision of VRS. Hamilton requested clarification and temporary, two-year waivers of portions of §§ 64.603 and 64.604 of the Commission's rules. On July 16, 2001 the Common Carrier Bureau (Bureau) issued a public notice seeking comment on Hamilton's waiver request.

Cost Recovery for Improved Traditional TRS

5. The Advisory Council and the Fund Administrator recommended that the Commission: (1) Continue to use the current national average costing and pricing methodology for the annual development of the interstate cost recovery reimbursement rate; (2) review the TRS Center Data Request to ensure that various sections and categories continue to be appropriate and up to date; (3) use the same allocation methodology in place today for allocating toll-free and 900 call minutes between interstate and intrastate demand; and (4) direct that Spanish relay costs be collected separately to test whether they are significantly different from English relay costs, and continue to reimburse providers on completed conversation minutes at a single national average reimbursement rate if there is no difference between the Spanish and English relay per-minute costs. The Commission adopts all except the fourth of these recommendations.

6. The Commission believes that the current average costing methodology represents an efficient and reasonable method of compensating eligible providers for the cost of furnishing interstate TRS. The Commission further believes that the average costing methodology will promote efficiency and that any cost increases incurred by providers will be minimal. Although the Commission believes that the current TRS Center Data Request captures all of the changes that were established by the *Improved TRS Order,* the Commission wants to ensure that all providers are fairly compensated. The Commission therefore directs the TRS administrator to review the TRS Center Data Request, and report to Bureau on an ongoing basis, any changes necessary to ensure that TRS providers are fairly compensated for additional costs imposed by the *Improved TRS Order.* The Commission also agrees with the Advisory Council and the Fund Administrator's recommendation that the same minutes of use allocation methodology in place for toll-free call minutes should be used for 900 call minutes. The Commission adopts the toll-free minutes methodology and find that it should be applied to 900 calls as well.

7. At this time, the Commission sees no need to adopt the Advisory Council and the Fund Administrator's recommendation that Spanish relay costs initially be collected separately and tested to determine whether they are significantly different from English relay costs. Because there is no evidence in the record that Spanish relay costs will differ significantly from English relay costs, the Commission conclude that providers should be reimbursed on completed conversation minutes for both English and Spanish relay costs at a single national average reimbursement rate. If, however, TRS providers believe that their costs for providing Spanish and English relay will differ significantly, they may track these data separately to verify that the costs are, in fact, different. If any TRS provider can demonstrate that the costs are different and, thus, that the services should be reimbursed at different rates, it may petition the Commission to establish different reimbursement rates for English and Spanish relay.

Cost Recovery for Speech-to-Speech Relay Service

8. The *Improved TRS Order* required STS to be in place by March 1, 2001. STS uses CAs who have been specially trained to understand different speech patterns, and to repeat the words spoken by the person with the speech disability. The Advisory Council and the Fund Administrator made the following recommendations for STS cost recovery: (1) The same cost recovery methodology used for computing the reimbursement rate in place today for traditional TRS interstate cost recovery could be used to develop the STS reimbursement rate; (2) due to its unique characteristics, a separate reimbursement rate based on STS costs and minutes should be calculated; (3) the TRS Center Data Request should be expanded to include specific STS sections to capture the costs and minutes separately from traditional TRS or VRS; and (4) providers should be reimbursed for completed conversation minutes at the national average reimbursement rate for STS. The Commission adopts each of these recommendations.

9. The Commission favors the national average per minute methodology used for traditional TRS and believe it should be applied to STS as well. The Commission also adopts a

separate per-minute national average compensation formula for STS and orders the TRS administrator to develop annually a national average STS reimbursement rate for compensating STS providers. As with traditional TRS, each provider of STS services will be compensated at the national average rate for every completed conversation minute. Given that STS service is of a more recent origin, the Commission does not yet have sufficient data to conduct an up-front evaluation of its costs. Consequently, the Commission adopts the Advisory Council and the Fund Administrator's recommendation that the TRS Center Data Request be expanded to capture separately STS costs and minutes. The Commission therefore orders the TRS administrator to expand the TRS Center Data Request to include specific sections to capture STS costs and completed conversation minutes for STS.

Cost Recovery for Video Relay Services

10. The *Improved TRS Order* did not require VRS, but did allow the costs of intrastate and interstate costs for VRS to be reimbursed from the interstate TRS Fund while the Commission continues to evaluate the service. The Advisory Council and the Fund Administrator made the following four recommendations with respect to VRS cost recovery: (1) The same methodology for rate development in place today for traditional TRS interstate cost recovery could be used to develop the VRS reimbursement rate; (2) providers should be reimbursed based on completed conversation minutes at a national average reimbursement rate; (3) the TRS Center Data Request should be expanded to include specific VRS sections to capture VRS costs and demand separately; and (4) due to its unique characteristics, a separate reimbursement rate based on VRS costs and demand should be calculated.

11. The Commission agrees with the Advisory Council and the Fund Administrator's recommendation that due to the unique characteristics of VRS, a separate reimbursement rate for VRS should be calculated. The Commission agrees with the Advisory Council and the Fund Administrator's recommendation that the TRS Center Data Request should be expanded to include specific sections to capture separately VRS costs and minutes for this service. The data provided to NECA by VRS providers demonstrate that VRS costs and payment requirements are materially different from those for traditional TRS. In light of the differences in technology and the reportedly higher cost associated with providing VRS, the Commission will require NECA to expand the TRS Data Request to include data that are specific to VRS. Thus, the Commission adopts these two aspects of the Advisory Council and the Fund Administrator's Recommendation regarding cost recovery for VRS.

12. The Commission declines at this time, however, to adopt permanently the Advisory Council and the Fund Administrator's recommendations to use the same methodology for rate development in place today for traditional TRS interstate cost recovery, and to develop a VRS reimbursement rate based on completed conversation minutes of use at a national average reimbursement rate. Although the national average compensation methodology has all the benefits that we described above, the Commission is not convinced that this methodology will provide adequate incentives to carriers to provide video relay services. The Commission finds that additional comments on this recommendation are necessary and seek comment in the *Further NPRM* related to this *MO&O* (Published elsewhere in this issue of the **Federal Register**.).

13. In the interim, the Commission directs the TRS administrator to establish an interim VRS cost recovery rate using the average per minute compensation methodology used for traditional TRS. The interim rate shall be in effect until such time that the Commission is able to collect and assess additional data regarding what the permanent VRS compensation methodology should be.

Petition for Clarification

14. In this *MO&O* the Commission clarifies that § 64.603 of the Commission's rules mandates the provision of STS generally, this mandate does not extend to relay service providers in their provision of VRS because VRS is in its infancy. Because the provision of VRS is not mandatory at this time, the Commission does not wish to make it more burdensome for the providers that wish to provide VRS on a voluntary basis. If, however, VRS providers choose to offer speech-to-speech service they will be eligible for reimbursement from the TRS fund. As VRS is deployed and demand for the service increases, the Commission may reexamine this issue.

15. The Commission also clarifies that, under the current rules, VRS providers are not required to provide Spanish relay service at this time. The Commission find that because VRS is still in its infancy and is not yet required, it is not feasible to require that it be provided in languages other than American Sign Language (ASL). If, however, VRS providers choose to offer Spanish relay service they will be eligible for reimbursement from the TRS fund. As Spanish relay services are deployed and demand for the service increases, the Commission may reexamine this issue.

Final Paperwork Reduction Act Analysis

16. This *MO&O* contains some new information collections for the cost recovery mechanism, which will be submitted to OMB for approval, as prescribed by the Paperwork Reduction Act.

Final Regulatory Flexibility Analysis

17. As required by the Regulatory Flexibility Act of 1980, as amended, (RFA), 5 U.S.C. 603, an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the **Federal Register** summary for the Interstate Fund Advisory Council and the TRS Fund Administrator's Recommended TRS Cost Recovery Guidelines. The Commission sought written public comment on the proposals in the cost recovery guidelines, including comment on the IRFA. The comments received addressed only the general recommendations, not the IRFA. This present Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA. 5 U.S.C. 604.

Need for, and Objective of this Memorandum Opinion and Order

18. This proceeding was initiated to formulate an appropriate method of cost recovery for TRS, VRS and STS relay service providers. These cost recovery methods take into account changes in the TRS market and technology as well as the development of the new VRS and STS services. The new cost recovery guidelines will allow all relay providers to efficiently and effectively recover their reimbursable costs. Such reimbursement will also encourage the development of new technologies to aid individuals with speech and hearing disabilities.

Summary of Significant Issues Raised by Public Comments in Response to the IRFA

19. No comments were filed in response to the IRFA in this proceeding. The Commission has nonetheless considered any potential significant economic impact of the rules on small entities. The comments filed in this proceeding address the recommendations of the Interstate Fund Advisory council and the TRS Fund

Administrator and do not specifically address small entities.

Description and Estimate of the Number of Small Entities to Which the Actions Taken Will Apply

20. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. 5 U.S.C. 604(a)(3). The RFA defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' 5 U.S.C. 601(6). In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. 5 U.S.C. 601(3). A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). 15 U.S.C. 632. We note that any small entities affected by action taken herein should not be adversely affected. Furthermore, like all other entities affected, this action aids small businesses by allowing them to recover costs for providing relay services. Below, we further describe and estimate the number of small entity licensees and regulatees that may be affected by these rules. The most reliable source of information regarding the total numbers of certain common carrier and related providers nationwide, as well as the numbers of commercial wireless entities, appears to be data the Commission publishes annually in its Telecommunications Industry Revenue report, regarding TRS.

21. *TRS Providers.* Neither the Commission nor the SBA has developed a definition of ''small entity'' specifically applicable to providers of telecommunications relay services (TRS). The closest applicable definition under the SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. The SBA defines such establishments to be small businesses when they have no more than 1,500 employees. According to the FCC's most recent data, there are approximately 12 interstate TRS providers, which consist of interexchange carriers, local exchange carriers, state-managed entities, and non-profit organizations. Approximately five or fewer of these entities are small businesses. The FCC notes that these providers include several large interexchange carriers and incumbent local exchange carriers. Some of these large carriers may only provide TRS service in a small area but they nevertheless are not small business entities. Consequently, the FCC estimates that there are fewer than 5 small TRS providers that may be affected by the proposed rules, if adopted.

22. *Wireline Carriers and Service Providers.* The SBA has developed a definition of small entities for telephone communications companies except radiotelephone (wireless) companies. The Census Bureau reports that there were 2,321 such telephone companies in operation for at least one year at the end of 1992. According to the SBA's definition, a small business telephone company other than a radiotelephone company is one employing no more than 1,500 persons. All but 26 of the 2,321 non-radiotelephone companies listed by the Census Bureau were reported to have fewer than 1,000 employees. Thus, even if 26 of these companies had more than 1,500 employees, there would still be 2,295 non-radiotelephone companies that might qualify as small entities or small incumbent local exchange carriers (LECs). The FCC does not have data specifying the number of these carriers that are not independently owned and operated, and thus are unable at this time to estimate with greater precision the number of wireline carriers and service providers that would qualify as small business concerns under the SBA's definition. Consequently, the FCC estimates that fewer than 2,295 small telephone communications companies other than radiotelephone companies are small entities or small incumbent LECs.

23. We have included small incumbent LECs in this present RFA analysis. As noted above, a ''small business'' under the RFA is one that, inter alia, meets the pertinent small business size standard (i.e., a telephone communications business having 1,500 or fewer employees), and ''is not dominant in its field of operation.'' 15 U.S.C. 632. The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent LECs are not dominant in their field of operation because any such dominance is not ''national'' in scope. We have therefore included small incumbent LECs in this RFA analysis, although we emphasize that this RFA action has no effect on FCC analyses and determinations in other, non-RFA contexts.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

24. The cost recovery requirements adopted herein should not require additional recordkeeping requirements for relay service providers. Providers have already been using similar methods to recover costs for traditional TRS and these methods are also similar to the new STS and VRS cost recovery guidelines. Furthermore, we are not mandating specific recordkeeping and compliance requirements. Rather, we are informing carriers that if they are seeking reimbursement there are guidelines to follow. How they record their data, however, is the carriers' choice. If any additional costs are imposed, they should be minimal because the tracking procedures are similar to those already in place for traditional TRS. Furthermore, these costs will impose no greater burden on small entities because all carriers must provide the same data for cost recovery. In addition, these measures will promote more efficient service and allow the TRS providers to be reimbursed more accurately for their costs, thus negating any minimal costs imposed by these requirements. Furthermore, the money received by small entities will enable them to more effectively compete in other areas such as the development of new technologies.

Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

25. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its approach, which may include the following four alternatives: (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities. 5 U.S.C. 603(c).

26. The Commission concludes that the cost recovery guidelines adopted herein will have no adverse economic impact on small entities because these rules are designed to allow all providers, including all small entities to be accurately reimbursed. Furthermore, the Advisory Council, which proposed guidelines for the rules herein, consists of members of state regulatory bodies, relay users, members of the disabilities community, large and small TRS providers, and large and small TRS contributors. As a result, the cost recovery measures adopted herein are the result of input from the industry, including small business entities.

27. The Commission considered certain alternatives and found the measures adopted herein to be the most appropriate. For example, for Spanish language relay, we considered the alternative of requiring these costs to be collected separately and tested to determine whether they are significantly different from English relay costs. After careful analysis, however, we concluded that Spanish and English relay costs were sufficiently similar to calculate reimbursement based on completed conversation minutes for both Spanish and English relay.

28. In addition, because of the unique characteristic of the developing VRS market, we declined to adopt permanently the alternatives suggested by the Advisory Council and the Fund Administrator, *i.e.* the recommendation to use the same methodology for rate development in place today for traditional TRS interstate cost recovery for the development of a VRS reimbursement rate. We also declined to develop, as an alternative, a VRS reimbursement rate based on completed conversation minutes of use at a national average reimbursement rate. Although the national average compensation methodology has all the benefits that we described above, we are not convinced that this methodology will provide adequate incentives to carriers to provide video relay services. Instead, we found that additional comments on these recommendations are necessary and seek comment in the *Further NRPM* related to this *MO&O* (Published elsewhere in this issue of the **Federal Register**.).

29. Accordingly, this *MO&O* directs the TRS administrator to adopt an interim VRS cost recovery rate using the average per minute compensation methodology used for traditional TRS. Such an interim methodology will allow the Commission time to further consider VRS cost recovery and evaluate the comments on these recommendations that will be received in response to the *Further NPRM* related to this *MO&O.*

30. Thus, while significant alternatives have been considered, we believe that the actions taken herein are in the best interests of all entities, including small businesses.

Report to Congress

31. The Commission will send a copy of the *Memorandum Opinion and Order*, including this FRFA, in a report to be sent to Congress pursuant to the Congressional Review Act. 5 U.S.C. 801(a)(1)(A). In addition, the Commission will send a copy of the Memorandum Opinion and Order including FRFA, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the *Memorandum Opinion and Order* and FRFA (or summaries thereof) will also be published in the **Federal Register**. 5 U.S.C. 604(b).

Ordering Clauses

32. Pursuant to the authority contained in § 64.604 of the Commission's Rules, 47 CFR 64.604, and in sections 1, 2, 4, 225, 255 and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154, 225, 255, 303(r) the recommendations of the Advisory Council and the Fund Administrator relating to traditional TRS and STS *are adopted* to the extent described herein.

33. Pursuant to the authority contained in § 64.604 of the Commission's Rules, 47 CFR 64.604, and in sections 1, 2, 4, 225, 255 and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154, 225, 255, 303(r) the recommendations of the Advisory Council and the Fund Administrator relating to the need for a separate reimbursement rate for VRS and expansion of the TRS Data Center Request to include specific sections for VRS reporting *are adopted* as described herein.

34. Pursuant to the authority contained in § 64.604 of the Commission's Rules, 47 CFR 64.604, and in sections 1, 2, 4, 225, 255 and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154, 225, 255, 303(r) the TRS administrator *shall use* the TRS reimbursement rate methodology, on an interim basis, to develop the VRS reimbursement rate, pending further action by the Commission.

35. Pursuant to the authority contained in § 64.603 of the Commission's Rules, 47 CFR 64.603, and in sections 1, 2, 4, 225, 255 and 303(r), of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154, 225, 255, 303(r) § 64.603 of the Commission's rules does not require VRS providers to offer Speech-to-Speech services or Spanish relay services at this time.

36. The collections of information contained herein are contingent upon approval by the Office of Management and Budget and will go into effect upon announcement in the **Federal Register**.

37. The Commission's Consumer Information Bureau, Reference Information Center, *shall send* a copy of this *Memorandum Opinion and Order*, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of Small Business Administration.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. 02–1982 Filed 1–28–02; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF DEFENSE

48 CFR Parts 202, 215, 219, 242, and 246, and Appendix G to Chapter 2

Defense Federal Acquisition Regulation Supplement; Technical Amendments

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is making technical amendments to the Defense Federal Acquisition Regulation Supplement to update activity names and addresses, to reflect the extension of a memorandum of understanding, and to delete text that duplicates text found in the Federal Acquisition Regulation.

EFFECTIVE DATE: January 29, 2002.

FOR FURTHER INFORMATION CONTACT: Ms. Michele Peterson, Defense Acquisition Regulations Council, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0311; facsimile (703) 602–0350.

List of Subjects in 48 CFR Parts 202, 215, 219, 242, and 246

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 202, 215, 219, 242, and 246, and Appendix G to Chapter 2 are amended as follows:

1. The authority citation for 48 CFR Parts 202, 215, 219, 242, and 246, and Appendix G to subchapter I continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 202—DEFINITIONS OF WORDS AND TERMS

202.101 [Amended]

2. Section 202.101 is amended in the definition of ''Contracting activity'', under the heading ''NAVY'' as follows:

a. By removing the entry ''Headquarters, U.S. Marine Corps''; and

b. In the entry ''Marine Corps Material Command'' by revising ''Material'' to read ''Materiel''.

PART 215—CONTRACTING BY NEGOTIATION

215.404–76 [Amended]

3. Section 215.404–76 is amended in paragraph (b), in the table, under the Heading ''ARMY'', by removing ''U.S. Army, Contracting Support Agency, ATTN: SARD–RS, 5109 Leesburg Pike, Suite 916'' and adding in its place ''Headquarters, Department of the Army, ATTN: SAAL–PA, Skyline 6, Suite 302, 5109 Leesburg Pike''.

PART 219—SMALL BUSINESS PROGRAMS

219.800 [Amended]

4. Section 219.800 is amended in paragraph (a), in the third sentence, by removing ''December 31, 2001'' and adding in its place ''March 31, 2002''.

PART 242—CONTRACT ADMINISTRATION AND AUDIT SERVICES

5. Section 242.1203 is amended in paragraph (b)(2)(A) by revising the Navy entry to read as follows:

242.1203 Processing agreements.

(b)(2)(A) * * *

Navy ..... Office of the Assistant Secretary of the Navy, Research, Development & Acquisition, Acquisition and Business Management, 2211 South Clark Place, Room 578, Arlington, VA 22202–3738.

* * * * *

PART 246—QUALITY ASSURANCE

246.407 [Amended]

6. Section 246.407 is amended by removing paragraphs (1) and (2).

Appendix G—Activity Address Numbers

7. Appendix G to Chapter 2 is amended in Part 3 by adding a new entry ''N39826'', and by removing entry ''N62913'' the second time it appears. The added text reads as follows:

PART 3—NAVY ACTIVITY ADDRESS NUMBERS

* * * * *

N39826, L5L Fleet and Industrial Supply Center, Norfolk Detachment Earle, 201 Highway 34 South, Building C–33, Colts Neck, NJ 07722–5019

* * * * *

[FR Doc. 02–2054 Filed 1–28–02; 8:45 am]

BILLING CODE 5001–08–U

DEPARTMENT OF DEFENSE

48 CFR Parts 209, 212, 213, 217, 222, and 252

[DFARS Case 97–D314]

Defense Federal Acquisition Regulation Supplement; Veterans Employment Emphasis

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to remove text pertaining to contractor reporting on employment of veterans, because the reporting requirements have been added to the Federal Acquisition Regulation.

EFFECTIVE DATE: January 29, 2002.

FOR FURTHER INFORMATION CONTACT: Ms. Angelena Moy, Defense Acquisition Regulations Council, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–1302; facsimile (703) 602–0350. Please cite DFARS Case 97–D314.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule removes DFARS requirements pertaining to contractor reporting on employment of veterans. The DFARS requirements were published as an interim rule at 63 FR 11850 on March 11, 1998. The DFARS text is no longer necessary, because the reporting requirements were added to the Federal Acquisition Regulation in Item IV of Federal Acquisition Circular 2001–01 on October 22, 2001 (66 FR 53487).

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule merely eliminates requirements that duplicate those found in the Federal Acquisition Regulation.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 209, 212, 213, 217, 222, and 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 209, 212, 213, 217, 222, and 252 are amended as follows:

1. The authority citation for 48 CFR Parts 209, 212, 213, 217, 222, and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 209—CONTRACTOR QUALIFICATIONS

209.104–1 [Amended]

2. Section 209.104–1 is amended by removing paragraph (g)(iii).

209.104–70 [Amended]

3. Section 209.104–70 is amended by removing paragraph (c).

PART 212—ACQUISITION OF COMMERCIAL ITEMS

212.503 [Amended]

4. Section 212.503 is amended by removing paragraph (a)(xii).

PART 213—SIMPLIFIED ACQUISITION PROCEDURES

213.005 [Removed]

5. Section 213.005 is removed.

PART 217—SPECIAL CONTRACTING METHODS

217.207 [Removed]

6. Section 217.207 is removed.

PART 222—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

222.1304 [Removed]

7. Section 222.1304 is removed.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.209–7003 [Removed and Reserved]

8. Section 252.209–7003 is removed and reserved.

[FR Doc. 02–2056 Filed 1–28–02; 8:45 am]

BILLING CODE 5001–08–U

DEPARTMENT OF DEFENSE

48 CFR Part 225

[DFARS Case 2001–D019]

Defense Federal Acquisition Regulation Supplement; Memorandum of Understanding—Switzerland

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to reflect a determination of the Deputy Secretary of Defense that it is inconsistent with the public interest to apply the restrictions of the Buy American Act to the acquisition of defense equipment produced or manufactured in Switzerland.

EFFECTIVE DATE: January 29, 2002.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, Defense Acquisition Regulations Council, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0288; facsimile (703) 602–0350. Please cite DFARS Case 2001–D019.

SUPPLEMENTARY INFORMATION:

A. Background

A memorandum of understanding between the Government of the Swiss Confederation and the Government of the United States provides for both governments to remove barriers to procurements of conventional defense supplies produced in the other country, and to accord to industries in the other country treatment no less favorable in relation to procurement than is accorded to industries of its own country. Therefore, DoD has determined that it is inconsistent with the public interest to apply the restrictions of the Buy American Act to the acquisition of defense equipment produced or manufactured in Switzerland. This final rule amends DFARS 225.872–1 to add Switzerland to the list of countries for which DoD has made such public interest determinations, and to remove Switzerland from the list of countries for which exemption from the Buy American Act is permitted only on a purchase-by-purchase basis.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

This final rule will not have a significant effect beyond the internal operating procedures of DoD. Therefore, publication for public comment is not required. However, DoD will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 2001–D019.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 225

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 225 is amended as follows:

1. The authority citation for 48 CFR Part 225 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 225—FOREIGN ACQUISITION

225.872–1 [Amended]

2. Section 225.872–1 is amended as follows:

a. In paragraph (a) by adding, in alphabetical order, ''Switzerland'' to the list of countries; and

b. In paragraph (b) by removing ''Switzerland'' from the list of countries.

[FR Doc. 02–2055 Filed 1–28–02; 8:45 am]

BILLING CODE 5001–08–U

DEPARTMENT OF DEFENSE

48 CFR Part 252

[DFARS Case 2000–D027]

Defense Federal Acquisition Regulation Supplement; Tax Exemptions (Italy)

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to update requirements pertaining to tax exemptions for DoD contracts performed in Italy.

EFFECTIVE DATE: January 29, 2002.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Schneider, Defense Acquisition Regulations Council, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0326; facsimile (703) 602–0350. Please cite DFARS Case 2000–D027.

SUPPLEMENTARY INFORMATION:

A. Background

DoD uses the contract clause at DFARS 252.229–7003, Tax Exemptions (Italy), when contract performance will be in Italy. This rule amends the clause at DFARS 252.229–7003 to update the information pertaining to tax exemptions that contractors must include on their invoices.

DoD published a proposed rule at 66 FR 48652 on September 11, 2001. DoD received no comments on the proposed rule. Therefore, DoD is adopting the proposed rule as a final rule without change.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule makes minor changes to invoicing requirements that apply only to DoD contracts performed in Italy.

C. Paperwork Reduction Act

This rule does not add any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 252 is amended as follows:

1. The authority citation for 48 CFR Part 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

2. Section 252.229–7003 is revised to read as follows:

252.229–7003 Tax Exemptions (Italy).

As prescribed in 229.402–70(c), use the following clause:

Tax Exemptions (Italy) (Jan 2002)

(a) The Contractor represents that the contract price, including the prices in subcontracts awarded under this contract, does not include taxes from which the United States Government is exempt.

(b) The United States Government is exempt from payment of Imposta Valore Aggiunto (IVA) tax in accordance with Article 72 of the IVA implementing decree on all supplies and services sold to United States Military Commands in Italy.

(1) The Contractor shall include the following information on invoices submitted to the United States Government:

(i) The contract number.

(ii) The IVA tax exemption claimed pursuant to Article 72 of Decree Law 633, dated October 26, 1972.

(iii) The following fiscal code(s): *[Contracting Officer must insert the applicable fiscal code(s) for military activities within Italy: 80028250241 for Army, 80156020630 for Navy, or 91000190933 for Air Force].*

(2)(i) Upon receipt of the invoice, the paying office will include the following certification on one copy of the invoice:

''I certify that this invoice is true and correct and reflects expenditures made in Italy for the Common Defense by the United States Government pursuant to international agreements. The amount to be paid does not include the IVA tax, because this transaction is not subject to the tax in accordance with Article 72 of Decree Law 633, dated October 26, 1972.'' An authorized United States Government official will sign the copy of the invoice containing this certification.

(ii) The paying office will return the certified copy together with payment to the Contractor. The payment will not include the amount of the IVA tax.

(iii) The Contractor shall retain the certified copy to substantiate non-payment of the IVA tax.

(3) The Contractor may address questions regarding the IVA tax to the Ministry of Finance, IVA Office, Rome (06) 520741.

(c) In addition to the IVA tax, purchases by the United States Forces in Italy are exempt from the following taxes:

(1) Imposta di Fabbricazione (Production Tax for Petroleum Products).

(2) Imposta di Consumo (Consumption Tax for Electrical Power).

(3) Dazi Doganali (Customs Duties).

(4) Tassa di Sbarco e d'Imbarco sulle Merci Transportate per Via Aerea e per Via Maritima (Port Fees).

(5) Tassa de Circolazione sui Veicoli (Vehicle Circulation Tax).

(6) Imposta di Registro (Registration Tax).

(7) Imposta di Bollo (Stamp Tax).

(End of clause)

[FR Doc. 02–2057 Filed 1–28–02; 8:45 am]

BILLING CODE 5001–08–U

DEPARTMENT OF DEFENSE

48 CFR Part 252

[DFARS Case 2000–D302]

Defense Federal Acquisition Regulation Supplement; Caribbean Basin Country End Products

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has adopted as final, without change, an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement section 211 of the United States-Caribbean Basin Trade Partnership Act and determinations of the United States Trade Representative as to which countries qualify for enhanced trade benefits under that Act.

EFFECTIVE DATE: January 29, 2002.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, Defense Acquisition Regulations Council, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0288; facsimile (703) 602–0350. Please cite DFARS Case 2000–D302.

SUPPLEMENTARY INFORMATION:

A. Background

This rule implements Section 211 of the United States-Caribbean Basin Trade Partnership Act (Title II of Public Law 106–200) and determinations of the United States Trade Representative published at 65 FR 60236 on October 10, 2000; 65 FR 69988 on November 21, 2000; and 65 FR 78527 on December 15, 2000. The rule amends the clauses at DFARS 252.225–7007, Buy American Act—Trade Agreements—Balance of Payments Program, and 252.225–7021, Trade Agreements, to remove Panama from the definition of ''Caribbean Basin country'' and to clarify which Caribbean Basin country products are subject to duty-free treatment.

DoD published an interim rule at 66 FR 47112 on September 11, 2001. DoD received no comments on the interim rule. Therefore, DoD is converting the interim rule to a final rule without change.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule affects only a limited number of textile and apparel articles from certain Caribbean Basin countries. Other statutory requirements still prohibit DoD from acquiring most of these articles from other than domestic sources.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Interim Rule Adopted as Final Without Change

Accordingly, the interim rule amending 48 CFR Part 252, which was published at 66 FR 47112 on September 11, 2001, is adopted as a final rule without change.

[FR Doc. 02–2053 Filed 1–28–02; 8:45 am]

BILLING CODE 5001–08–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 001005281–0369–02; I.D. 011802A]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Increase

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

ACTION: Trip limit increase.

SUMMARY: NMFS increases the trip limit in the commercial hook-and-line fishery for king mackerel in the Florida east coast subzone to 75 fish per day in or from the exclusive economic zone (EEZ). This trip limit increase is necessary to maximize the socioeconomic benefits of the quota.

DATES: This rule is effective 12:01 a.m., local time, February 1, 2002, through March 31, 2002, unless changed by further notification in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Mark Godcharles, telephone: 727–570–5305, fax: 727–570–5583, e-mail: Mark.Godcharles@noaa.gov.

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, cero, cobia, little tunny, dolphin, and, in the Gulf of Mexico only, bluefish) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Based on the Councils' recommended total allowable catch and the allocation ratios in the FMP, on April 30, 2001 (66 FR 17368, March 30, 2001) NMFS implemented a commercial quota of 2.25 million lb (1.02 million kg) for the eastern zone (Florida) of the Gulf migratory group of king mackerel. That quota is further divided into separate quotas for the Florida east coast subzone and the northern and southern Florida west coast subzones. The quota newly implemented for the Florida east coast subzone is 1,040,625 lb (472,020 kg) (50 CFR 622.42 (c)(1)(i)(A) (*1*)).

In accordance with 50 CFR 622.44 (a)(2)(i), beginning on February 1, if less than 75 percent of the Florida east coast subzone's quota has been harvested by that date, king mackerel in or from that subzone's EEZ may be possessed on board or landed from a permitted vessel in amounts not exceeding 75 fish per day. The 75–fish daily trip limit will continue until a closure of the subzone's fishery has been effected or the fishing year ends on March 31.

NMFS has determined that 75 percent of the quota for Gulf group king mackerel for vessels using hook-and-line gear in the Florida east coast subzone will not be reached before February 1, 2002. Accordingly, a 75–fish trip limit applies to vessels in the commercial hook-and-line fishery for king mackerel in or from the EEZ in the Florida east coast subzone effective 12:01 a.m., local time, February 1, 2002. The 75–fish trip limit will remain in effect until the fishery closes or until the end of the current fishing season (March 31, 2002) for this subzone. From November 1 through March 31, the Florida east coast subzone of the Gulf group king mackerel is that part of the eastern zone north of 25°20.4′ N. lat. (a line directly east from the Miami-Dade County, FL, boundary).

Classification

This action responds to the best available information recently obtained from the fishery. The increased trip limit must be implemented immediately because less than 75 percent of the quota was harvested before February 1, 2002. This trip limit increase relieves a restriction. Therefore, any delay in implementing this action would be impractical and contradictory to the Magnuson-Stevens Act, the FMP, and the public interest. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553 (d), a delay in the effective date is waived.

This action is taken under 50 CFR 622.44 (a)(2)(iii) and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 22, 2002.

Jonathan M. Kurland,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 02–2128 Filed 1–24–02; 4:52 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 67, No. 19
Tuesday, January 29, 2002

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 316, 317, and 381

[Docket No. 92–005N]

Prominently Disclosed Product Name Qualifiers

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of withdrawal of proposed rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is withdrawing the proposed rule, ''Prominently Disclosed Product Name Qualifiers,'' which was published in the **Federal Register** on November 4, 1992 (57 FR 52596). In the 1992 proposal, the Agency proposed to remove certain provisions of the meat and poultry products inspection regulations that require that the labeling of meat and poultry products disclose that certain ingredients are present in a product through the use of a phrase that qualifies the product name. FSIS now believes that this proposal is redundant with later Agency initiatives, and that the proposal contains a number of errors. Therefore, FSIS is withdrawing the proposal and will rely on the initiatives currently under development to resolve the issues that had been raised in the proposed rule.

ADDRESSES: Send comments to FSIS Docket Clerk, Docket No. 92–005N, Room 102, Cotton Annex Building, 300 12th Street, SW, Washington, DC 20250–3700. Any comments received will be available for public inspection in the Docket Room from 8:30 a.m. to 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Robert C. Post, Ph.D., Director, Labeling and Consumer Protection Staff, Food Safety and Inspection Service, Washington, DC 20250–3700, Telephone(202)205–0279, Fax (202)205–3625.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 4, 1992, FSIS published a proposed rule, ''Prominently Disclosed Product Name Qualifiers,'' in which the Agency proposed to remove certain provisions from the meat and poultry products inspection regulations that require that the labeling of meat and poultry products disclose that certain ingredients are present in a product through the use of a phrase that qualifies the product name. In the preamble to the proposal, FSIS explained that it had required the product name qualifiers as a means of alerting consumers to the presence of unusual or unexpected ingredients in a product, but that the Agency had come to believe that consumers rely more on a product's ingredients statement to determine the composition of a food than they did in the past. In the preamble, FSIS reiterated its view that it had initially articulated in the final rule, ''Standards and Labeling Requirements for Mechanically Separated (Species) and Products in Which It Is Used''(47 FR 28214, June 29, 1982), that unless the addition of an ingredient significantly alters the identity of a product, the presence of unusual or unexpected ingredients in a product need not always be disclosed in a statement that qualifies the product name.

Since it published the proposal, the Agency has begun a number of other labeling reform initiatives that will provide opportunities for public comment on the need for product name qualifiers, labeling statements, and other required labeling features. As a result of these new initiatives, FSIS now considers the subject rulemaking to be redundant and unnecessary.

Furthermore, after careful review, FSIS has recognized that the 1992 proposal incorrectly categorized some of the subject labeling statements about ingredient declarations as product name qualifiers. Not all of the labeling statements cited in the 1992 proposal are product name qualifiers. For example, FSIS proposed to remove 9 CFR 317.2(j)(12), which requires that containers of certain meat food products preserved in, bearing, or containing any chemical preservative bear a label stating that fact. Although § 317.2(j)(12) requires containers of certain meat food products to bear a labeling statement that discloses the fact that the product is preserved in, bears, or contains a chemical preservative, it does not require that the statement qualify the product name. Moreover, under section 1(n)(11) of the Federal Meat Inspection Act (FMIA)(21 U.S.C. 601(n)(11)), when a product contains a chemical preservative, unless the regulations provide an impracticability exemption, that fact must appear on the product's labeling in order to prevent the product from being misbranded.

In the 1992 proposal, FSIS also mistakenly proposed to remove certain supplementary labeling requirements that are necessary to distinguish different versions of a particular type of product. For example, FSIS proposed to revise 9 CFR 319.180, which defines the standard of identity for certain cooked sausages, such as hotdogs and bologna, to permit these cooked sausages to contain meat byproducts and variety meats without disclosing the presence of these ingredients in a product name qualifier. Upon review, FSIS now recognizes that for cooked sausages defined under § 319.180, the inclusion of byproducts and variety meats affects product identity sufficiently to result in distinctive versions of the same product, and that the labeling of these products should continue to declare the presence of byproducts or variety meats as part of the product name.

Summary of Comments

FSIS received 20 comments in response to the 1992 proposal, most in support of the proposed rule. The following is a general description of the comments received and FSIS's response.

Comments: A few commenters objected to the 1992 proposal. These commenters felt that FSIS should continue to require that the presence of certain ingredients in a product be disclosed in a statement adjacent to the product name so that consumers who wish to avoid these ingredients in their diets can easily identify the products that contain them. The commenters noted that because of the potential for adverse health consequences, it is particularly important for consumers with allergies or intolerances to certain food ingredients to know when a food contains these ingredients.

Response: Although it is withdrawing the 1992 proposal, FSIS does not believe that removing the required qualifying phrases as proposed would deprive

consumers of the ability to easily identify food with ingredients that they wish to avoid in their diets. If a meat or poultry product is fabricated from two or more ingredients, all such ingredients must be listed on the product label by their common or usual names in descending order of their predominance (9 CFR 317.2(c)(2), 317.2(f)(1), and 381.118(a)). Thus, if a consumer wants to determine whether a product contains a specific ingredient, the consumer can easily find this information in the one place specifically designated for this purpose, the ingredients statement. In fact, because not all ingredients that consumers may wish to avoid, including those that may be allergens to some consumers, are required to be identified in a statement that qualifies a product name, FSIS expects that consumers would look to a product's ingredients statement rather than rely on supplementary labeling information to determine the composition of a meat or poultry product.

Comments: Several commenters expressed support for the proposal but requested that FSIS remove or amend additional supplementary labeling requirements contained in the regulations. Many of the required labeling statements that the commenters wanted FSIS to remove or amend are qualifying statements that identify ingredients or processing methods that affect product identity, and therefore, are needed to distinguish different versions of a particular type of product. For example, some commenters requested that FSIS remove the qualifying statements that are required to appear as part of the name of certain fabricated steaks that identify how these products are processed.

Response: In the preamble to the 1992 proposal, FSIS stated that, if the addition of an ingredient affects product identity sufficiently to result in distinctive versions of the same product, the labeling of the new product must declare the presence of the distinguishing ingredient as part of the product name. The same reasoning applies to processing methods that affect product identity. For example, the standard of identity for certain types of fabricated steaks requires that these products be identified by the product name in conjunction with a qualifying phrase that describes how these products are processed, such as ''Beef Steak, Chopped Shaped, Frozen,'' and ''Minute Steak, Formed, Wafer Sliced, Frozen,'' and ''Veal Steaks, Beef Added, Chopped-Molded-Cubed-Frozen, Hydrolyzed Plant Protein and Flavoring''(9 CFR 319.15(d)). Because the way these products are processed affects product identity, the qualifying phrases that describe the processing methods are needed to distinguish the fabricated versions of these products from the unprocessed versions. Thus, FSIS did not include the required labeling statements identified by the commenters as part of the 1992 proposal because many of these statements, like the statements that disclose the processing methods for certain fabricated steaks, pertain to ingredients or processing methods that affect product identity.

However, FSIS and the Food and Drug Administration (FDA) are jointly working on a comprehensive approach to modernizing food standards that will establish guiding principles for outside parties to apply when petitioning FSIS or FDA to revise or simplify a food standard. A description of this food standards modernization effort was published as an Advance Notice of Proposed Rulemaking (ANPR) in the **Federal Register** on September 9, 1996 (61 FR 47453). Thus, interested parties who believe that certain ingredients or processing methods do not sufficiently affect product identity to require disclosure in a statement that qualifies a product name will have the opportunity to request revisions to the standards of identity for meat and poultry products through this food standards modernization initiative.

Comments: In the preamble to the 1992 proposal, FSIS identified specific supplementary labeling requirements that do not necessarily distinguish different versions of a particular type of product, but that the Agency has determined must appear adjacent to the name of certain products in order to prevent the labeling of these products from being misleading to consumers. For example, meat products with a standard of identity that permits or requires the addition of nitrate or nitrite but that do not contain nitrate or nitrite must be identified as ''Uncured'' (9 CFR 319.2) and must bear the statements ''No Nitrate or Nitrite Added, Not Preserved,'' and, if they have not been sufficiently thermally processed, fermented, or dried, ''No Preservatives, Keep Refrigerated Below 40°,'' adjacent to the product name (9 CFR 317.17(c)). In the preamble to the proposed rule, FSIS stated that it was not proposing to remove these labeling requirements because they are needed to provide consumers with clear and complete information about the product. FSIS received several comments questioning the need for these and other required labeling statements and the manner in which they must be displayed in order to prevent misleading product labels. Some commenters suggested that some of the required information could be effectively communicated to consumers without the use of a statement adjacent to the product name.

Response: FSIS excluded certain supplementary labeling requirements from the 1992 proposal because, in the Agency's judgment, these statements are necessary to prevent the labeling of certain products from being misleading to consumers. In the example cited above, the fact that certain meat products are cured or uncured affects product identity. Therefore, the term ''Uncured'' is required to distinguish the uncured version of the product from the traditional cured version. However, because the uncured versions of these products are at a greater risk of microbial contamination and spoilage if handled improperly, FSIS determined that additional statements that describe how to handle the uncured product safely should appear on the product label. Furthermore, because the uncured products look and taste very much like the traditional cured products, FSIS requires that these statements be displayed adjacent to the product name to prevent consumers from being misled. When the 1992 proposal was published, FSIS determined that this labeling information and the other required labeling statements identified by the commenters must continue to appear adjacent to the product name to prevent misleading product labeling.

However, as previously mentioned, since the 1992 proposal was published, FSIS has begun a number of labeling reform initiatives that will provide opportunities for public comment on the need for product name qualifiers, labeling statements, and other required labeling features. Therefore, interested parties will have an opportunity to raise issues related to the need for certain required supplementary labeling information and the manner in which it must be displayed through these labeling reform initiatives.

Comments: FSIS received several comments requesting that the Agency remove certain supplementary labeling statements described in the Food Standards and Labeling Policy Book. For example, the Policy Book states that the phrase ''Batter Wrapped Frank on a Stick'' should be used in conjunction with the name ''Corn Dog.''

Response: The Policy Book contains informal food standards that do not have the same authority as the food standards codified in the regulations. However, FSIS will consider the need for such labeling statements described

in the Policy Book as part of its continuing review of informal policies.

Because the ''Prominently Disclosed Product Name Qualifiers'' proposal is no longer necessary and contains a number of errors, FSIS is withdrawing this proposed rule (Docket No. 92–005P). FSIS plans to rely on the other labeling reform initiatives to resolve issues that had been raised in the proposed rule.

With this notice, FSIS is officially withdrawing the proposed rule (Docket No. 92–005P) of November 4, 1992.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to better ensure that minorities, women, and persons with disabilities are aware of this notice, FSIS will announce it and provide copies of this **Federal Register** publication in the FSIS Constituent Update. FSIS provides a weekly FSIS Constituent Update, which is communicated via fax to over 300 organizations and individuals. In addition, the update is available on-line through the FSIS web page located at *http://www.fsis.usda.gov*. The update is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and any other types of information that could affect or would be of interest to our constituents/stakeholders. The constituent fax list consists of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals that have requested to be included. Through these various channels, FSIS is able to provide information to a much broader, more diverse audience. For more information and to be added to the constituent fax list, fax your request to the Congressional and Public Affairs Office, at (202) 720–5704.

Done at Washington, DC, on: January 24, 2002.

Margaret O'K. Glavin,

Acting Administrator.

[FR Doc. 02–2133 Filed 1–28–02; 8:45 am]

BILLING CODE 3410–DM–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[Docket No. PRM–50–73A]

Robert H. Leyse; Supplement to a Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Supplemental petition for rulemaking; notice of receipt.

SUMMARY: The Nuclear Regulatory Commission (NRC) has received and requests public comment on a supplement to his original petition for rulemaking (PRM–50–73) filed with the Commission by Robert H. Leyse. The supplemental petition was docketed by the Commission and has been assigned Docket No. PRM–50–73A. The petitioner requests, in this supplement to his earlier petition, that the NRC amend its regulations on the acceptance criteria for emergency core cooling systems for light-water nuclear power reactors to address the impact of severe crud deposits on fuel bundle coolability during normal operation of a light-water-reactor (LWR).

DATES: Submit comments by April 15, 2002. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: Submit written comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff. Deliver comments to: 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. Federal workdays.

For a copy of the petition, write to Michael T. Lesar, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

You may also provide comments via the NRC's interactive rulemaking Web site at *http://ruleforum.llnl.gov*. This site provides the capability to upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking Web site, contact Ms. Carol Gallagher, 301–415–5905 (e-mail: *cag@nrc.gov*).

The petition and copies of comments received may be inspected and copied for a fee at the NRC Public Document Room, 11555 Rockville Pike, Public File Area O1F21, Rockville, Maryland. Copies of comments received are also available through the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. These documents may be accessed through the NRC's Public Electronic Reading Room on the Internet at *http://www.nrc.gov/NRC/ADAMS/index.html*. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737or by e-mail to *pdr@nrc.gov*.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Telephone: 301–415–7163 or Toll Free: 800–368–5642.

SUPPLEMENTARY INFORMATION:

Background

The NRC received a petition for rulemaking dated September 4, 2001, submitted by Mr. Robert H. Leyse, on his own behalf. The petition was docketed as PRM–50–73 on September 6, 2001. The notice of receipt of this petition was published on October 12, 2001, (66 FR 52065). On November 5, 2001, the NRC received a supplement to PRM–50–73 submitted by Mr. Leyse. The supplement to the petition was assigned docket number PRM–50–73A.

In his original petition, the petitioner requested that the NRC amend its regulations on the acceptance criteria for emergency core cooling systems for light-water nuclear power reactors to address the impact of crud on cooling capability during a fast-moving, large-break, loss-of-coolant accident (LOCA).

The petitioner requested that elements in § 50.46 concerning comparisons to applicable experimental data, and the following paragraphs in Appendix K to part 50, be revised to include the impact of crud deposits on fuel pins:

I.B. Swelling and Rupture of the Cladding and Fuel Rod Thermal Parameters;
I.C.2 Frictional Pressure Drops;
I.C.4 Critical Heat Flux;
I.C.5 Post-CHF Heat Transfer Correlations;
I.C.7 Core Flow Distribution During Blowdown;
I.D.3 Calculation of Reflood Rate for Pressurized Water Reactors;
I.D.6 Convective Heat Transfer Coefficients for Boiling Water Reactor Fuel Rods Under Spray Cooling; and

I.D.7 The Boiling-Water Reactor Channel Box Under Spray Cooling.

II.1.a The documentation requirements in this paragraph should include a description of each evaluation model used for estimation of the effects of crud deposits on fuel pins.

The Petitioner's Request

In his supplemental petition (PRM–50–73A), the petitioner requests that the NRC revise its regulations on the acceptance criteria for emergency core cooling systems for light-water nuclear power reactors to address the impact severe crud buildup will have on core coolability during normal reactor operations.

The petitioner states that a certain licensed power reactor has operated with unusually heavy crud deposits within several fuel bundles. The petitioner states that these deposits were found and at least partially classified during a refueling outage. The petitioner believes that if these deposits had continued to build during normal reactor operation at power, the unusually heavy crud deposits would have become severe crud deposits. Blockage of the flow channels within the fuel bundles would likely have developed. The petitioner believes that severe crud deposits within the fuel bundles can lead to a loss of coolability with consequent overheating of zirconium cladding within the bundles, autocatalytic zirconium-water reactors of the fuel cladding, chemical reactions between the fuel cladding and uranium oxide fuel pellets, initiation of zirconium water reactions involving zirconium core structures such as fuel bundle spacer grids and channel boxes, melting of certain control element materials, melting of braze materials in certain fuel bundle spacer grids, metallurgical reactions between certain fuel bundle spacer grid springs and the zirconium cladding on the fuel pins, and additional sources of structural degradation. The petitioner states that these factors can initiate substantial and rapid localized core melting while the LWR is at power. The petitioner states that if the LWR is then shut down, the core meltdown may rapidly propagate among the fuel bundles and core structures with sequential and parallel destruction of the barriers that constitute defense in depth. Thus, the single entity, unusually heavy crud deposits on the fuel pins, might be only one step before unusually heavy crud deposits thicken and become severe crud deposits. The petitioner states that severe crud deposits then threaten the integrity of all of the barriers that in total constitute the defense in depth.

The petitioner states that performance-based experience reveals that when unusually heavy crud deposition on fuel bundles occurs during normal operation of an LWR, there are likely to be indications of fuel element cladding defects by increases in the offgas activity. However, the petitioner states that this increase in the offgas activity is not regarded as an indicator of a possible heavy crud deposition. The petitioner believes that an LWR may be operated within its Licensing Basis and the Technical Specifications until the transition from unusually heavy crud deposition to severe crud deposition is effected. The petitioner believes that at this point it is likely that rapid localized core melting will be initiated while the LWR is at power. The petitioner also believes that there will likely be delays (several seconds) before the LWR is shut down. The petitioner believes that by then the rapid propagation of the meltdown will likely be well underway and it will likely continue even though the LWR is shut down.

The petitioner requests that elements in § 50.46 and the following paragraphs in Appendix K to part 50, and perhaps other regulations, be revised to include the impact of crud deposits on the fuel bundles during normal operation:

I.B. Swelling and Rupture of the Cladding and Fuel Rod Thermal Parameters;

I.C.2 Frictional Pressure Drops;

I.C.4 Critical Heat Flux;

I.C.5 Post-CHF Heat Transfer Correlations;

I.C.7 Core Flow Distribution During Blowdown;

I.D.3 Calculation of Reflood Rate for Pressurized Water Reactors;

I.D.6 Convective Heat Transfer Coefficients for Boiling Water Reactor Fuel Rods Under Spray Cooling; and

I.D.7 The Boiling-Water Reactor Channel Box Under Spray Cooling.

II.1.a The documentation requirements in this paragraph should include a description of each evaluation model used for estimation of the effects of crud deposits on fuel pins.

Dated at Rockville, Maryland, this 22nd day of January 2002.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 02–2075 Filed 1–28–02; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. CE171; Notice No. 23–01–04–SC]

Special Conditions: Eclipse Aviation Corporation, Model 500; Fire Extinguishing System for Aft Mounted Engine Installations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes special conditions for the Eclipse Aviation Corporation Model 500 airplane. This airplane design includes aft mounted turbine engines. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Comments must be received on or before February 28, 2002.

ADDRESSES: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Regional Counsel, Attention: Rules Docket No. CE171, 901 Locust, Room 506, Kansas City, Missouri 64106; or delivered in duplicate to the Regional Counsel at the above address. Comments must be marked: Docket No. CE171. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Lowell Foster, Federal Aviation Administration, Aircraft Certification Service, Small Airplane Directorate, ACE–111, 901 Locust Street, Kansas City, Missouri, 816–329–4111, fax 816–329–4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of these proposed special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. The proposals described

in this action may be changed in light of the comments received. All comments received will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this action must include with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. CE171.'' The postcard will be date stamped and returned to the commenter.

Background

On November 9, 2000, Eclipse Aviation Corporation applied for a type certificate for their new Model 500.

The Model 500 design includes turbine engines mounted aft on the fuselage, which means early visual detection of engine fire is precluded. The applicable existing regulations do not require fire extinguishing systems for engines. Aft mounted turbine engine installations, along with the need to protect such installed engines from fires, were not envisioned in the development of part 23; therefore, a special condition for a fire extinguishing system for the engines of the Model 500 is required.

Type Certification Basis

Under the provisions of 14 CFR 21.17, Eclipse Aviation Corporation must show that the Model 500 meets the following:

(1) Applicable provisions of 14 CFR part 23, effective December 18, 1964, as amended by Amendments 23–1 through 23–54 (September 14, 2000).

(2) Part 34 of the Federal Aviation Regulations effective September 10, 1990, plus any amendments in effect on the date of type certification.

(3) Part 36 of the Federal Aviation Regulations effective December 1, 1969, as amended by Amendment 36–1 through the amendment in effect on the date of type certification.

(4) Noise Control Act of 1972.

(5) Special Conditions:

a. Special Conditions for Protection from High Intensity Radiated Fields (HIRF) will be required.

b. Special Conditions for aft mounted engines to include Engine Fire Extinguishing System or Fire Detection and Control will be required. A fire extinguishing system is not required if Eclipse Aviation Corporation can show that a fire that starts in any engine compartment is detectable and controllable.

c. Special Conditions for an Electronic Engine Control System will be required.

(6) Exemptions approved by the FAA (14 CFR 11.27).

(7) Equivalent Level of Safety Findings, as necessary.

If the Administrator finds that the applicable airworthiness regulations (*i.e.*, part 23) do not contain adequate or appropriate safety standards for the Model 500 because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

In addition to the applicable airworthiness regulations and special conditions, the Model 500 must comply with the part 23 fuel vent and exhaust emission requirements of 14 CFR part 34 and the part 23 noise certification requirements of 14 CFR part 36, and the FAA must issue a finding of regulatory adequacy pursuant to section 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

Special conditions, as appropriate, as defined in § 11.19, are issued in accordance with § 11.38 after public notice and become part of the type certification basis in accordance with § 21.17(a)(2).

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of § 21.101.

Novel or Unusual Design Features

The Eclipse Model 500 will incorporate the following novel or unusual design features: Turbine engines mounted on the aft of the fuselage. Aft mounted turbine engine installations need to be protected from fire since early visual detection of engine fires is not possible. This notice proposes a special condition for a fire extinguishing system for the engines of the Model 500.

Applicability

As discussed above, these special conditions are applicable to the Eclipse Model 500. Should Eclipse Aviation Corporation apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well under the provisions of § 21.101.

Conclusion

This action affects only certain novel or unusual design features on one model of airplanes. It is not a rule of general applicability, and it affects only the applicant who applied to the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113 and 44701; 14 CFR 21.16 and 21.17; and 14 CFR 11.38 and 11.19.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for the Eclipse Aviation Corporation Model 500.

Engine Fire Extinguishing System

(a) Fire extinguishing systems must be installed and compliance must be shown with the following:

(1) Except for combustor, turbine, and tailpipe sections of turbine-engine installations that contain lines or components carrying flammable fluids for which a fire originating in these sections can be controllable, a fire extinguisher system must serve each engine compartment.

(2) The fire extinguishing system, the quantity of the extinguishing agent, the rate of discharge, and the discharge distribution must be adequate to extinguish fires. An individual ''one shot'' system may be used.

(3) The fire extinguishing system for a nacelle must be able to simultaneously protect each compartment of the nacelle for which protection is provided.

(b) Fire extinguishing agents must meet the following requirements:

(1) Be capable of extinguishing flames emanating from any burning of fluids or other combustible materials in the area protected by the fire extinguishing system.

(2) Have thermal stability over the temperature range likely to be experienced in the compartment in which they are stored; and

(3) If any toxic extinguishing agent is used, provisions must be made to prevent harmful concentrations of fluid or vapors from entering any personnel compartment even though a defect may exist in the extinguishing system.

(c) Fire extinguishing agent containers must meet the following requirements:

(1) Have a pressure relief to prevent bursting of the container by excessive internal pressures.

(2) The discharge end of each discharge line from a pressure relief connection must be located so the discharge of the fire extinguishing agent would not damage the airplane. The line must also be located or protected to prevent clogging caused by ice or other foreign matter.

(3) A means must be provided for each fire extinguishing agent container to indicate that the container has discharged or that the charging pressure is below the established minimum necessary for proper functioning.

(4) The temperature of each container must be maintained, under intended operating conditions, to prevent the pressure in the container from falling below that necessary to provide an adequate rate of discharge, or rising high enough to cause premature discharge; and

(5) If a pyrotechnic capsule is used to discharge the fire extinguishing agent each container must be installed so that temperature conditions will not cause hazardous deterioration of the pyrotechnic capsule.

(d) Fire extinguisher system materials must meet the following requirements:

(1) No material in any fire extinguishing system may react chemically with any extinguishing agent so as to create a hazard, and

(2) Each system component in an engine compartment must be fireproof.

Issued in Kansas City, Missouri on January 14, 2002.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–2143 Filed 1–28–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–107100–00]

RIN 1545–AY26

Disallowance of Deductions and Credits for Failure To File Timely Return

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations and notice of public hearing.

SUMMARY: This document contains proposed regulations relating to the disallowance of deductions and credits for nonresident alien individuals and foreign corporations that fail to file a timely U.S. income tax return. The current regulations permit nonresident aliens and foreign corporations the benefit of deductions and credits only if they timely file a U.S. income tax return in accordance with subtitle F of the Internal Revenue Code, unless the Commissioner waives the filing deadlines. The temporary regulations revise the waiver standard. The text of the temporary regulations on this subject in this issue of the **Federal Register** also serves as the text of these proposed regulations set forth in this cross-referenced notice of proposed rulemaking. This document also provides notice of a public hearing on these proposed regulations.

DATES: Written comments must be received by April 29, 2002. Requests to speak and outlines of topics to be discussed at the public hearing scheduled for June 3, 2002, at 10 a.m. must be received by May 13, 2002.

ADDRESSES: Send submissions to: CC:ITA:RU (REG–107100–00), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday between the hours of 8 a.m. and 5 p.m. to: CC:ITA:RU (REG–107100–00), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC. Alternatively, taxpayers may submit comments electronically via the Internet by selecting the ''Tax Regs'' option on the IRS Home Page, or by submitting comments directly to the IRS Internet site at *http://www.irs.ustreas.gov/tax_regs/regslist.html.* The public hearing will be held in the auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning the regulations, Nina E. Chowdhry, (202) 622–3880; concerning submissions, the hearing, and/or to be placed on the building access list to attend the hearing, Donna Poindexter, (202) 622–7180 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

Temporary regulations in the Rules and Regulations section of this issue of the **Federal Register** amend the Income Tax Regulations (26 CFR part 1) relating to sections 874 and 882. These temporary regulations contain rules relating to the disallowance of deductions and credits for nonresident alien individuals and foreign corporations that fail to file a timely U.S. income tax return.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations and, because these regulations do not impose on small entities a collection of information requirement, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any electronic or written comments (a signed original and eight (8) copies) that are submitted timely to the IRS. Treasury and the IRS request comments on the clarity of the proposed rule and how it may be made easier to understand. All comments will be made available for public inspection and copying.

A public hearing has been scheduled for June 3, at 10 a.m., in the auditorium, Internal Revenue Building, 1111 Constitution Ave., NW., Washington, DC. All visitors must present photo identification to enter the building. Because of access restrictions, visitors will not be admitted beyond the immediate entrance area more than 15 minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

The rules of 26 CFR 601.601(a)(3) apply to this hearing. Persons who wish to present oral comments at the hearing must submit electronic or written comments and an outline of the topics to be discussed and the time to be devoted to each topic (signed original and eight (8) copies) by April 29, 2002. A period of 10 minutes will be allotted to each person for making comments. An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

Drafting Information

The principal author of these regulations is Nina Chowdhry of the Office of Associate Chief Counsel (International). However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

Paragraph 1. The authority citation for part 1 is amended by adding entries in numerical order to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

Section 1.874–1 also issued under 26 U.S.C. 874. * * *

Section 1.882–4 also issued under 26 U.S.C. 882(c). * * *

Par. 2. Section 1.874–1 is amended by:

1. Revising paragraph (b)(2).
2. Paragraphs (b)(3) and (b)(4) are redesignated as paragraphs (b)(5) and (b)(6), respectively.
3. New paragraphs (b)(3) and (b)(4) are added.

The revision and additions read as follows:

§ 1.874–1 Allowance of deductions and credits to nonresident alien individuals.

* * * * *

(b)(2) through (4) [The text of proposed paragraphs (b)(2), (3), and (4) is the same as the text of § 1.874–1T(b)(2), (3), and (4) published elsewhere in this issue of the **Federal Register**].

* * * * *

Par. 3. Section 1.882–4 is amended by:

1. Revising paragraph (a)(3)(ii).
2. Paragraphs (a)(3)(iii) through (a)(3)(v) are redesignated as paragraphs (a)(3)(v) through (a)(3)(vii), respectively.
3. New paragraphs (a)(3)(iii) and (iv) are added.

The revision and additions read as follows:

§ 1.882–4 Allowance of deductions and credits to foreign corporations.

* * * * *

(a)(3)(ii) through (iv) [The text of proposed paragraphs (a)(3)(ii) through (iv) is the same as the text of § 1.882–4T(a)(3)(ii) through (iv) published elsewhere in this issue of the **Federal Register**].

* * * * *

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

[FR Doc. 02–2045 Filed 1–28–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–142299–01 and REG–209135–88]

RIN 1545–BA36 and 1545–AW92

Certain Transfers of Property to Regulated Investment Companies and Real Estate Investment Trusts; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: This document contains corrections to REG–142299–01 and REG–209135–88 that was published in the **Federal Register** on January 2, 2002 (67 FR 48). These regulations apply to certain transactions or events that result in a Regulated Investment Company [RIC] or Real Estate Investment Trust [REIT] owning property that has a basis determined by reference to a C corporation's basis in the property.

DATES: This correction is effective January 2, 2002.

FOR FURTHER INFORMATION CONTACT: Lisa A. Fuller (202) 622–7750 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The notice of proposed rulemaking that is the subject of these corrections is under section 337(d) of the Internal Revenue Code.

Need for Correction

As published, REG–142299–01 and REG 209135–88 contains errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication REG–142299–01 and REG–209135–88, which is the subject of FR. Doc. 01–31968, is corrected as follows:

1. On page 49, column 2, in the preamble under the paragraph heading ''*Background*'', lines 14 and 15, the language ''property to a RIC or REIT, then the RIC or REIT will be subject either to section'', is corrected to read ''property to a RIC or REIT, then either the RIC or REIT will be subject to section''.

LaNita Van Dyke,

Acting Chief, Regulations Unit, Associate Chief Counsel (Income Tax and Accounting).

[FR Doc. 02–2155 Filed 1–28–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–02–002]

RIN 2115–AA97

Safety and Security Zone; Pilgrim Nuclear Power Plant, Plymouth, MA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking; notice of meeting.

SUMMARY: The Coast Guard is proposing to establish permanent safety and security zones around the Pilgrim Nuclear Power Plant in Cape Cod Bay, Plymouth, MA. The safety and security zones will close all waters within an approximate 1000-yard distance from the plant, and will also close shore areas adjacent to the plant. The safety and security zones will prohibit entry into or movement within a portion of Cape Cod Bay and adjacent shore areas and are needed to ensure public safety and prevent sabotage or terrorist acts.

DATES: Comments and related materials must reach the Coast Guard on or before April 15, 2002. A public meeting will take place on Wednesday, February 6, 2002, at 7 p.m.

ADDRESSES: You may mail comments and related material to Marine Safety Office Boston, 455 Commercial Street, Boston, MA 02109. Marine Safety Office Boston maintains the public docket for this rulemaking. Comments and materials received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of the docket and will be available for inspection or copying at Marine Safety Office Boston between the hours of 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The meeting will take place at the Plymouth Elks Club located on Long Pond Road, Plymouth, MA. This notice will be made available online at *www.uscg.mil/d1/units/msobos/.*

FOR FURTHER INFORMATION CONTACT: LT Dave Sherry, Marine Safety Office

Boston, Maritime Security Operations Division, at (617) 223–3030.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD01–02–002), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know your comments reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

The Coast Guard plans to hold a public meeting on February 6, 2002 to discuss the proposed rule. Because this notice is close in time to the meeting, the Coast Guard will ensure the widest dissemination of notice of this meeting through e-mails and phone calls to interested organizations, web site releases, and press releases to local newspapers.

The following agenda has been prepared for the meeting:

(1) Introduction of Coast Guard, local and state law enforcement, Pilgrim Power Plant, and Lobstermen Association personnel.

(2) Presentation of NPRM requirements.

(3) Discussion of potential conflicts created by the NPRM and proposed solutions to these conflicts.

(4) Scheduling of additional meetings (if deemed necessary).

For information regarding this meeting contact LT Dave Sherry at the address listed under **ADDRESSES.** If you want the Coast Guard to hold additional meetings, you may contact LT Dave Sherry with a request in writing explaining why you believe one would be beneficial. If we determine an additional meeting would aid in this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

In light of terrorist attacks on New York City and Washington DC on September 11, 2001 permanent safety and security zones are proposed to safeguard the Pilgrim Nuclear Power Plant, persons at the facility, the public and surrounding communities from sabotage or other subversive acts, accidents, or other events of a similar nature. The Pilgrim Nuclear Power Plant presents a possible target of terrorist attack, due to the potential catastrophic impact nuclear radiation would have on the surrounding area, its large destructive potential if struck, and its proximity to a population center. These proposed safety and security zones prohibit entry into or movement within the specified areas.

This proposed rulemaking will establish security and safety zones having identical boundaries in all waters of Cape Cod Bay and land adjacent to those waters enclosed by a line as follows: beginning at position 41°57′30″ N, 070°34′36″ W; then running southeast to position 41°56′36″ N, 070°33′30″ W; then running southwest to position 41°56′28″ N, 070°34′38″ W; then running northwest to position 41°56′50″ N, 070°34′58″ W; then running northeast back to position 41°57′30″ N, 070°34′36″ W.

This proposed rulemaking proposes to make permanent temporary safety and security zones established on November 15, 2001 (67 FR 1607, January 14, 2002) under temporary section 165.T01–211 of Title 33 of the Code of Federal Regulations (CFR). That rulemaking established safety and security zones with identical boundaries in the rulemaking proposed herein. This rulemaking is necessary to provide permanent protection of the waterfront areas of the Pilgrim Nuclear Power Plant.

No person or vessel may enter or remain in the prescribed safety and security zones at any time without the permission of the Captain of the Port. Each person or vessel in a safety and security zone shall obey any direction or order of the Captain of the Port or designated Coast Guard representative on-scene. The Captain of the Port may take possession and control of any vessel in a security zone and/or remove any person, vessel, article or thing from a security zone. No person may board, take or place any article or thing on board any vessel or waterfront facility in a security zone without permission of the Captain of the Port.

Any violation of any safety or security zone proposed herein, is punishable by, among others, civil penalties (not to exceed $25,000 per violation, where each day of a continuing violation is a separate violation), criminal penalties (imprisonment for not more than 10 years and a fine of not more than $100,000), in rem liability against the offending vessel, and license sanctions.

This regulation is proposed under the authority contained in 50 U.S.C. 191, 33 U.S.C. 1223, 1225 and 1226.

Regulatory Evaluation

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979).

The Coast Guard expects the economic impact of this proposed rule to be so minimal that a full regulatory evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The effect of this proposed regulation will not be significant for several reasons: there is ample room for vessels to navigate around the zones in Cape Cod Bay, and advance notifications will be made to the local maritime community via marine information broadcasts.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), the Coast Guard considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities.

This proposed rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit, anchor, or conduct commercial fishing operations in a portion of Cape Cod Bay. For the reasons enumerated in the Regulatory Evaluation section above, these safety and security zones will not have a significant economic impact on a substantial number of small entities.

A public meeting will take place to evaluate the impact of this proposed rule on the commercial fishing industry and others. The regulation may be amended as a result of these impacts.

Assistance for Small Entities

Under subsection 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 [Pub. L. 104–121],

the Coast Guard wants to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If your small business or organization would be affected by this proposed rule and you have questions concerning its provisions or options for compliance, please call Lieutenant Dave Sherry, Marine Safety Office Boston, at (617) 223–3030.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

The Coast Guard analyzed this proposed rule under Executive Order 13132 and has determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This proposed rule would not impose an unfunded mandate.

Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

The Coast Guard analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This proposed rule is not an economically significant rule and does not pose an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. A rule with tribal implications has a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Environment

The Coast Guard considered the environmental impact of this proposed rule and concluded that, under figure 2–1, (34)(g), of Commandant Instruction M16475.lD, this rule is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES.**

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05–1(g), 6.04–1, 6.04–6, 160.5; 49 CFR 1.46.

2. Add § 165.115 to read as follows:

§ 165.115 Safety and Security Zones: Pilgrim Nuclear Power Plant, Plymouth, Massachusetts.

(a) *Location.* All waters and land of Cape Cod Bay enclosed by a line beginning at position 41° 57′ 30″ N, 070° 34′ 36″ W; then running southeast to position 41° 56′ 36″ N, 070° 33′ 30″ W; then running southwest to position 41° 56′ 28″ N, 070° 34′ 38″ W; then running northwest to position 41° 56′ 50″ N, 070° 34′ 58″ W; then running northeast back to position 41° 57′ 30″ N, 070° 34′ 36″ W.

(b) *Effective date.* This section is effective beginning June 15, 2002.

(c) *Regulations.*

(1) In accordance with the general regulations in §§ 165.23 and 165.33, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port Boston.

(2) All vessel operators shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

(3) No person may enter the waters or land area within the boundaries of the safety and security zones unless previously authorized by the Captain of the Port, Boston or his authorized patrol representative.

Dated: January 16, 2002.

B.M. Salerno,

Captain, U.S. Coast Guard, Captain of the Port, Boston, Massachusetts.

[FR Doc. 02–2209 Filed 1–25–02; 2:35 pm]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[FRL–7134–6]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; States of Kansas, Missouri, and Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the Commercial and Industrial Solid Waste Incineration (CISWI) section 111(d) negative declarations submitted by the states of Kansas, Missouri, and Nebraska. These negative declarations certify that CISWI units subject to the requirements of sections 111(d) and 129 of the Clean Air Act (CAA) do not exist in these states.

In the final rules section of the **Federal Register**, EPA is approving the state's submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial action and anticipates no relevant adverse comments to this action. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated in relation to this action. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed action. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed action must be received in writing by February 28, 2002.

ADDRESSES: Comments may be mailed to Wayne Kaiser, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Wayne Kaiser at (913) 551–7603.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final rule which is located in the rules section of the **Federal Register**.

Dated: January 14, 2002.

William Rice,

Acting Regional Administrator, Region 7.

[FR Doc. 02–2120 Filed 1–28–02; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[PA001–1001; FRL–7134–8]

Approval of Section 112(l) Authority for Hazardous Air Pollutants; City of Philadelphia; Department of Public Health Air Management Services

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve Philadelphia Department of Public Health Air Management Services' (AMS's) request for delegation of authority to implement and enforce its hazardous air pollutant regulations which have been adopted by reference from the Federal requirements set forth in the Code of Federal Regulations. This proposed approval will automatically delegate future amendments to these regulations. For sources which are required to obtain a Clean Air Act operating permit, this proposed delegation addresses all existing hazardous pollutant regulations. For sources which are not required to obtain a Clean Air Act operating permit, this proposed delegation presently addresses the hazardous air pollutant regulations for perchloroethylene drycleaning facilities, hard and decorative chromium electroplating and chromium anodizing tanks, ethylene oxide sterilization facilities, halogenated solvent cleaning and secondary lead smelting. In addition, EPA is proposing to approve of AMS's mechanism for receiving delegation of all future hazardous air pollutant regulations which it adopts unchanged from the Federal requirements. This mechanism entails submission of a delegation request letter to EPA following EPA notification of a new Federal requirement. EPA is not waiving its notification and reporting requirements under this proposed approval; therefore, sources will need to send notifications and reports to both AMS and EPA. This action pertains to affected sources, as defined by the Clean Air Act hazardous air pollutant program.

EPA is taking this action in accordance with the Clean Air Act (CAA). In the Final Rules section of this **Federal Register**, EPA is approving the City's request for delegation of authority as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments must be received on or before February 28, 2002.

ADDRESSES: Written comments on this action should be sent concurrently to: Makeba A. Morris, Chief, Permits and Technical Assessment Branch, Mail Code 3AP11, Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103–2029, and Morris Fine, Director, Air Management Services, Department of Public Health, City of Philadelphia, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103 and Air Management Services, Department of Public Health, City of Philadelphia, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104.

FOR FURTHER INFORMATION CONTACT: Dianne J. McNally, 215–814–3297, at the EPA Region III address above, or by e-mail at *mcnally.dianne@epa.gov.* Please note that any formal comments must be submitted, in writing, as provided in the **ADDRESSES** section of this document.

SUPPLEMENTARY INFORMATION: For further information on this action, pertaining to approval of AMS's delegation of authority for all hazardous air pollutant emission standards, as they apply to facilities required to obtain a Clean Air Act operating permit, and the hazardous air pollutant emission standards for perchloroethylene dry cleaning facilities, hard and decorative chromium electroplating and chromium anodizing tanks, ethylene oxide sterilizers, halogenated solvent cleaning and secondary lead smelters, as they apply to facilities not required to obtain a Clean Air Act operating permit (Clean Air Act section 112), please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication.

Dated: January 22, 2002.

Judith M. Katz,

Director, Air Protection Division, Region III.

[FR Doc. 02–2122 Filed 1–28–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[FRL–7130–6]

RIN 2060–AG12

Protection of Stratospheric Ozone: Removal of Restrictions on Certain Fire Suppression Substitutes for Ozone-Depleting Substances; and Listing of Substitutes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to remove restrictions that were previously imposed on the use of certain substitutes for ozone-depleting substances (ODSs) under the Significant New Alternatives Policy (SNAP) program. Specifically, EPA is proposing to remove restrictions on the use of certain substitutes for halon fire suppression and explosion protection agents that are used in the total flooding end-use. The Agency is also proposing to add a substitute, with restrictions on its use, to the list of fire suppression and explosion protection agents.

Elsewhere in today's **Federal Register**, EPA is taking these actions as a direct final rule without prior proposal because EPA views these as noncontroversial revisions and anticipates no adverse comments. A detailed rationale for this action is set forth in the preamble to the direct final rule.

If we receive no adverse comments and no requests for public hearing in response to these actions, we will take no further activity in relation to this rule. If EPA receives adverse comments or a request for public hearing, we will withdraw the direct final rule and review any comments in accordance with this proposal. If a public hearing is requested, EPA will provide notice in the **Federal Register** as to the location, date, and time. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by February 28, 2002.

ADDRESSES: Public comments and data specific to this action should be sent to Docket A–91–42, U.S. Environmental Protection Agency, OAR Docket and Information Center, 401 M Street, SW., Room M–1500, Mail Code 6102, Washington, DC 20460. The docket may be inspected between 8 a.m. and 5:30 p.m. on weekdays. Telephone (202) 260–7548; fax (202) 260–4400. As provided in 40 CFR part 2, a reasonable fee may be charged for photocopying. To expedite review, a second copy of the comments should be sent to Margaret Sheppard at the address listed below under **FOR FURTHER INFORMATION CONTACT**. Information designated as Confidential Business Information (CBI) under 40 CFR, part 2, subpart 2, must be sent directly to the contact person for this notice. However, the Agency is requesting that all respondents submit a non-confidential version of their comments to the docket as well.

FOR FURTHER INFORMATION CONTACT: Margaret Sheppard at (202) 564–9163 or fax (202) 565–2155, U.S. Environmental Protection Agency, Stratospheric Protection Division, Mail Code 6205J, Washington, DC 20460. Overnight or courier deliveries should be sent to the office location at 4th floor, 501 3rd Street, NW., Washington, DC, 20001. You also may contact the Stratospheric Protection Hotline at (800) 296–1996 or EPA's Ozone Depletion World Wide Web site at ''*http://www.epa.gov/ozone/title6/snap/*''.

SUPPLEMENTARY INFORMATION: See additional information, pertaining to this action, provided in the Direct Final action of the same title located in today's **Federal Register**.

I. EPA Proposal

EPA would remove restrictions that were imposed on the use of certain substitutes for ODSs under the SNAP program in the fire suppression and explosion protection industry sector. The regulations implementing the SNAP program are codified at 40 CFR part 82, subpart G. The appendices to subpart G list substitutes for ODSs that are unacceptable or that have restrictions imposed on their use. The revisions would modify the appendices to subpart G.

The direct final rule will be effective on April 1, 2002 without further notice unless we receive adverse comment (or a request for a public hearing) by February 28, 2002. If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that all or part of this rule will not take effect. EPA will address all public comments in a subsequent final rule based on this proposed rule. We will not institute a second public comment period on this action. Any parties interested in commenting must do so at this time.

You may claim that information in your comments is confidential business information, as allowed by 40 CFR part 2. If you submit comments and include information that you claim as confidential business information, we request that you submit them directly to Margaret Sheppard in two versions: one clearly marked ''Public'' to be filed in the public docket, and the other marked ''Confidential'' to be reviewed by authorized government personnel only.

II. Administrative Requirements

A. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector.

Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Section 204 of the UMRA requires the Agency to develop a process to allow elected state, local, and tribal government officials to provide input in the development of any proposal containing a significant Federal intergovernmental mandate.

Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Today's rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for

State, local, or tribal governments or the private sector. Because this rule imposes no enforceable duty on any State, local or tribal government it is not subject to the requirements of sections 202 and 205 of the UMRA. EPA has also determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments; therefore, EPA is not required to develop a plan with regard to small governments under section 203. Finally, because this rule does not contain a significant intergovernmental mandate, the Agency is not required to develop a process to obtain input from elected state, local, and tribal officials under section 204.

B. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether this regulatory action is significant and therefore subject to OMB review and the requirements of the Executive Order. The Order defines significant regulatory action as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, OMB notified EPA that it considers this a ''significant regulatory action'' within the meaning of the Executive Order and EPA submitted this action to OMB for review. Changes made in response to OMB suggestions or recommendations will be documented in the public record.

C. Paperwork Reduction Act

EPA has determined that this proposed rule contains no information requirements subject to the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, that are not already approved by the Office of Management and Budget (OMB). OMB has reviewed and approved two Information Collection Requests (ICRs) by EPA which are described in the March 18, 1994 rulemaking (59 FR 13044, at 13121, 13146–13147) and in the October 16, 1996 rulemaking (61 FR 54030, at 54038–54039). These ICRs included five types of respondent reporting and record-keeping activities pursuant to SNAP regulations: submission of a SNAP petition, filing a SNAP/TSCA Addendum, notification for test marketing activity, record-keeping for substitutes acceptable subject to narrowed use limits, and record-keeping for small volume uses. The OMB Control Numbers are 2060–0226 and 2060–0350.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

D. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 6, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.''

This proposed rule does not have tribal implications. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. This proposed rule will remove regulatory restrictions on the use of certain fire suppressants and replace them with a recommendation to use industry standards. These standards are typically already required by state or local fire codes, and this rule does not require tribal governments to change their regulations. Thus, Executive Order 13175 does not apply to this rule.

E. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et seq.

The RFA generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this proposed rule. EPA has also determined that this rule will not have a significant economic impact on a substantial number of small entities. For purposes of assessing the impact of today's rule on small entities, small entities are defined as (1) a small business that produces or uses fire suppressants as total flooding agents with 500 or fewer employees or total annual receipts of $5 million or less; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's proposed rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. Primarily, the rule removes regulatory restrictions on the use of most fire-suppressants used as total flooding agents and, instead, defers to the voluntary consensus standards set by the National Fire Protection Association. Thus, users of these substitutes are being relieved of regulatory constraints. For this action, EPA is also changing the listing of a substitute from acceptable subject to use

conditions to unacceptable. This agent, HBFC–22B1, was phased out of production more than five years ago, except for a few essential uses, because of its high ozone depletion potential. Later, the manufacturer withdrew it from the market because of its toxicity. Because this agent is generally unavailable and because of the potential liability associated with its toxic effects, EPA believes it is extremely unlikely that anyone is currently using this agent. We expect that listing this agent as an unacceptable substitute will have no significant impact on a substantial number of small entities. If anyone has information that small businesses are still using HBFC–22B1 and that there are impacts on those businesses that EPA should consider in making its decision, they should submit that information to EPA. With respect to EPA's decision on Halotron II, EPA is finding it acceptable for all uses requested by the manufacturer. Moreover, the manufacturer of the new fire suppressant, Halotron II, has not yet sold it, so today's action does not affect, in any way, current usage. For Envirogel, today's action removes the use conditions and narrowed use limit on Envirogel with one additive, while maintaining the existing narrowed use limit on Envirogel used with all other additives. Thus, EPA is removing several regulatory constraints on the current ability of any entity, including small entities, to use this substitute. In addition, today's rule prevents potential conflicts between EPA regulations and existing state, local and tribal fire code requirements that incorporate NFPA standards by referring to standards of the NFPA.

Although this proposed rule will not have a significant economic impact on a substantial number of small entities, EPA nonetheless has tried to reduce the impact of this rule on small entities. By introducing new substitutes and removing regulatory restrictions on a number of acceptable substitutes, today's rule gives additional flexibility to small entities that are concerned with fire suppression. EPA also has worked closely together with the National Fire Protection Association, which conducts regular outreach with, and involves small state, local, and tribal governments in developing and implementing relevant fire protection standards and codes.

F. Applicability of Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045: ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866 and because the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. The halocarbon and inert gas fire suppressants in this proposed rule are used primarily in commercial areas and the workplace. These are areas where we expect adults are more likely to be present than children, and thus, the agents do not put children at risk disproportionately. The Agency finds a fetal toxin, HCFC–22B1, unacceptable in today's action. However, because this agent is generally unavailable and because of the potential liability associated with its toxic effects, EPA believes it is extremely unlikely that anyone is currently using this agent. Therefore, our action on this chemical is not likely to change the risk to children. If there were any change, it would add further protection for children. The public is invited to submit or identify peer-reviewed studies and data, of which the Agency may not be aware, that assessed results of early life exposure to the halocarbon and inert gas agents addressed in today's proposed rule.

G. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law No. 104–113, Section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This rulemaking involves technical standards. EPA proposes to use the NFPA 2001 Standard on Clean Agent Fire Extinguishing Systems, 2000 edition, a voluntary consensus standard developed by the National Fire Protection Association (NFPA). You can obtain copies of this standard by calling the NFPA's order telephone number at 1–800–344–3555 and requesting order number S3–2003–00. The NFPA 2001 standard meets the objectives of the rule by setting scientifically-based guidelines for exposure to halocarbon and inert gas agents used to extinguish fires. In addition, EPA has worked extensively in consultation with OSHA to encourage development of technical standards to be adopted by voluntary consensus standards bodies.

H. Executive Order 13132 (Federalism)

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

This proposed rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This proposed rule will remove regulatory restrictions on the use of certain fire suppressants and replace them with a recommendation to use industry standards. These standards are typically already required by state or local fire codes, and this rule does not require state, local, or tribal governments to change their regulations. Thus, Executive Order 13132 does not apply to this rule.

I. Executive Order 13211 (Energy Effects)

This proposed rule is not a ''significant energy action'' as defined in Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply,

Distribution, or Use'' (66 FR 28355 (May 22, 2001)) because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Primarily, the proposed rule would remove regulatory restrictions on the use of most fire-suppressants used as total flooding agents and, instead, defers to a voluntary consensus standard. Thus, users of these substitutes are being relieved of regulatory constraints. In addition, the rule allows wider use of substitutes, providing greater flexibility for industry. For the one substitute not acceptable, EPA believes it is unlikely that anyone is currently using this agent because this agent is generally unavailable and because of the potential liability associated with its toxic effects. Further, we have concluded that this rule is not likely to have any adverse energy effects.

Authority: 42 U.S.C. 7414, 7601, 7671–7671q.

Dated: January 15, 2002.

Christine Todd Whitman,

Administrator.

[FR Doc. 02–1496 Filed 1–28–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 281

[FRL–7134–3]

South Carolina; Tentative Approval of State Underground Storage Tank Program

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; notice of tentative determination on application of state of South Carolina for final Approval, public hearing and public comment period.

SUMMARY: The State of South Carolina has applied for approval of its underground storage tank program for petroleum and hazardous substances under Subtitle I of the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed the South Carolina application and has made the tentative decision that South Carolina's underground storage tank program for petroleum and hazardous substances satisfies all of the requirements necessary to qualify for approval. The South Carolina application for approval is available for public review and comment. A public hearing will be held to solicit comments on the application, unless insufficient public interest is expressed.

DATES: A public hearing is scheduled for March 20, 2002, unless insufficient public interest is expressed. EPA reserves the right to cancel the public hearing if sufficient public interest is not communicated to EPA in writing by February 28, 2002. EPA will determine by March 5, 2002, whether there is significant interest to hold the public hearing. The State of South Carolina will participate in the public hearing held by EPA on this subject. Written comments on the South Carolina approval application, as well as requests to present oral testimony, must be received by the close of business on February 28, 2002.

ADDRESSES: Copies of the South Carolina approval application are available at the following addresses for inspection and copying:

South Carolina Bureau of Underground Storage Tank Management, 2600 Bull Street, Columbia, South Carolina 29201–1708, Telephone: (803) 898–4350, 8:00 am through 4:30 pm, Eastern Standard Time.

U.S. EPA Docket Clerk, Office of Underground Storage Tanks, c/o RCRA Information Center, 1235 Jefferson Davis Highway, Arlington, Virginia 22202, Telephone: (703) 603–9231, 9:00 am through 4:00 pm, Eastern Standard Time; and,

U.S. EPA Region 4, Underground Storage Tank Section, Atlanta Federal Center, 61 Forsyth Street, S.W., Atlanta, Georgia 30303, Telephone: (404) 562–9277, 8:00 am through 4:30 pm, Eastern Standard Time.

Written comments should be sent to Mr. John Mason, Chief of Underground Storage Tank Section, U.S. EPA Region 4, 61 Forsyth Street S.W., Atlanta, Georgia 30303, Telephone (404) 562–9441.

Unless insufficient public interest is expressed, EPA will hold a public hearing on the State of South Carolina's application for program approval on March 20, 2002, at 5:30 pm, Eastern Standard Time, at the South Carolina Department of Health and Environmental Control, Peebles Auditorium, 2600 Bull Street, Columbia, South Carolina 29201–1708. Anyone who wishes to learn whether or not the public hearing on the State's application has been cancelled should telephone the following contacts after March 5, 2002:

Mr. John Mason, Chief, Underground Storage Tank Section, U.S. EPA Region 4, 61 Forsyth Street, S.W., Atlanta, Georgia 30303, Telephone: (404) 562–9441, or

Mr. Stanley L. Clark, Chief, South Carolina Bureau of Underground Storage Tank Management, 2600 Bull Street, Columbia, South Carolina 29201–1708, Telephone: (802) 898–4350.

FOR FURTHER INFORMATION CONTACT: Mr. John Mason, Chief, Underground Storage Tank Section, U.S. EPA Region 4, Atlanta Federal Center, 61 Forsyth Street S.W., Atlanta, Georgia 30303, Telephone: (404) 562–9441.

SUPPLEMENTARY INFORMATION:

I. Background

Section 9004 of the Resource Conservation and Recovery Act (RCRA) authorizes EPA to approve State underground storage tank programs to operate in the State in lieu of the Federal underground storage tank (UST) program. Program approval may be granted by EPA pursuant to RCRA section 9004(b), if the Agency finds that the State program: (1) Is ''no less stringent'' than the Federal program for the seven elements set forth at RCRA section 9004(a)(1) through (7); (2) includes the notification requirements of RCRA section 9004(a)(8); and (3) provides for adequate enforcement of compliance with UST standards of RCRA section 9004(a). Note that RCRA sections 9005 (on information-gathering) and 9006 (on federal enforcement) by their terms apply even in states with programs approved by EPA under RCRA section 9004. Thus, the Agency retains its authority under RCRA sections 9005 and 9006, 42 U.S.C. 6991d and 6991e, and other applicable statutory and regulatory provisions to undertake inspections and enforcement actions in approved states. With respect to such an enforcement action, the Agency will rely on federal sanctions, federal inspection authorities, and federal procedures rather than the state authorized analogues to these provisions.

II. South Carolina

The State of South Carolina submitted their draft state program approval application to EPA by letter dated August 29, 1996. After reviewing the package, EPA submitted comments to the state for review. South Carolina submitted their complete state program approval application for EPA's tentative approval on January 7, 1999. Technical issues prevented EPA from accepting the final application until the FY2000 South Carolina legislative session rectified certain legal points.

South Carolina adopted Underground Storage Tank Control Regulations that became effective on May 24, 1985. On

March 23, 1990, the South Carolina General Assembly promulgated regulations for the operation and management of USTs and piping pursuant to the State Underground Petroleum Environmental Response Bank (SUPERB) Act. These regulations replaced the 1985 Underground Storage Tank Control Regulations. EPA has reviewed the South Carolina application, and has tentatively determined that the State's UST program for petroleum and hazardous substances meets all of the requirements necessary to qualify for final approval.

EPA will hold a public hearing on its tentative decision on March 20, 2002, unless insufficient public interest is expressed. The public may also submit written comments on EPA's tentative determination until February 28, 2002. Copies of the South Carolina application are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this document.

EPA will consider all public comments on its tentative determination received at the hearing, or received in writing during the public comment period. Issues raised by those comments may be the basis for a decision to deny final approval to South Carolina. EPA expects to make a final decision on whether or not to approve South Carolina's program within 60 days of the close of the public comment period, and will give notice of it in the **Federal Register**. EPA's final decision will include a summary of the reasons for the final determination and a response to all major comments.

III. Administrative Requirements

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year.

Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Today's rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local or tribal governments or the private sector. The UMRA generally excludes from the definition of ''Federal intergovernmental mandate'' duties that arise from participation in a voluntary Federal program. South Carolina's participation in EPA's state program approval process under RCRA Subtitle I is voluntary. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

In addition, EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. Although small governments may own and/or operate underground storage tanks, they are already subject to the regulatory requirements under the existing State requirements that EPA is now approving and, thus, are not subject to any additional significant or unique requirements by virtue of this action. Thus, the requirements of section 203 of the UMRA also do not apply to today's rule.

Reagulatory Flexibility Act (RFA) (as Amended by the Small Business Reagulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et seq.)

The RFA generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of today's action on small entities, small entity is defined as: (1) A small business as specified in the Small Business Administration regulations; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this action on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. This action does not impose any new requirements on small entities because small entities that own and/or operate underground storage tanks are already subject to the State underground storage tank requirements which EPA is now approving. This action merely approves for the purpose of RCRA section 9004 those existing State requirements.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of section 6 of Executive Order 12866.

Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the United States prior to publication of the rule in today's **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Compliance With Executive Order 13045 (Children's Health)

Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks,'' applies to any rule that: (1) The Office of Management and Budget determines is ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that

EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. This rule is not subject to Executive Order 13045 because it approves a state program.

Compliance With Executive Order 13132 (Federalism)

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

Under section 6 of Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This action does not have federalism implications. It will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it affects only one State. This action simply provides EPA approval of South Carolina's voluntary proposal for its State underground storage tank program to operate in lieu of the Federal underground storage tank program in that State. Thus, the requirements of section 6 of the Executive Order do not apply.

Compliance With Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments)

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 6, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the federal government and Indian tribes.''

This rule does not have tribal implications. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. South Carolina is not approved to implement the RCRA underground storage tank program in Indian country. This action has no effect on the underground storage tank program that EPA implements in the Indian country within the State. Thus, Executive Order 13175 does not apply to this rule.

Executive Order 13211 (Energy Effects)

This rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866.

National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law 104–113, 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This action does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, Federal agencies must consider the paperwork burden imposed by any information request contained in a proposed rule or a final rule. This rule will not impose any information requirements upon the regulated community.

List of Subjects in 40 CFR Part 281

Environmental protection, Administrative practice and procedure, Hazardous materials, State program approval, Underground storage tanks.

Authority: This document is issued under the authority of section 9004 of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: January 11, 2002.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 02–2123 Filed 1–28–02; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 98–67; FCC 01–371]

Telecommunications Services for Individuals With Hearing and Speech Disabilities; Recommended Telecommunications Relay Services Cost Recovery Guidelines; Request by Hamilton Telephone Company for Clarification and Temporary Waivers

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this *Further Notice of Proposed Rulemaking (Further NPRM)* the Federal Communications Commission (FCC or Commission) solicits additional comment on the recommendations submitted by the Interstate Telecommunications Relay Services (TRS) Advisory Council and the TRS Fund Administrator (Advisory Council and Fund Administrator, respectively) relating to the appropriate cost recovery mechanism for video relay services (VRS) as proposed in comments

to the recommendations. VRS allows individuals with hearing and speech disabilities who use sign language to communicate with voice telephones.

DATES: Comments due February 28, 2002. Reply comments due March 15, 2002.. Written comments by the public on the proposed information collections are due February 28, 2002. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed information collection(s) on or before April 1, 2002.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Room TW–B204F, Washington, DC 20554. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Pam Slipakoff, 202/418–7705, Fax 202/418–2345, TTY 202/418–0484, *pslipako@fcc.gov,* Network Services Division, Common Carrier Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Further Notice of Proposed Rulemaking, CC Docket No. 98–67, FCC 01–371 (Further NRPM),* adopted December 17, 2001 and released December 21, 2001. The full text of the *Further NRPM* is available for inspection and copying during the weekday hours of 9 a.m. to 4:30 p.m. in the FCC Reference Center, Room CY–A257, 445 12th Street, SW., Washington, DC 20554, or copies may be purchased from the Commission's copy contractor, Qualex International, 445 12th Street, SW., Suite CY–B402, Washington, DC 20554, phone (202) 863–2893.

This *Further NPRM* contains proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA). It has been submitted to the Office of Management and Budget (OMB) for review under the PRA. OMB, the general public, and other Federal agencies are invited to comment on the proposed information collections contained in this proceeding.

Paperwork Reduction Act Analysis

This *Further NPRM* contains a proposed information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection(s) contained in this *Further NPRM,* as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Public and agency comments are due at the same time as other comments on this *Further NPRM;* OMB notification of action is due 60 days from date of publication of this *Further NPRM* in the **Federal Register**. Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Control Number: 3060–0463.

Title: Telecommunications Services for Individuals with Hearing and Speech Disabilities and the Americans with Disabilities Act of 1990, 47 CFR part 64 (Sections 64.601–64.605).

Form No.: N/A.

Type of Review: Proposed Revision of Existing Collection.

Respondents: Business or other for-profit institutions.

Title: Report of interstate TRS minutes of use.

No. of respondents: 10.

Hours per response: 6.

Total annual burden: 60.

Total Annual Burden: 6 hours per respondent, 60 hours for all respondents. Estimate reflects burden for TRS reporting only.

Cost to Respondents: $0.

Needs and Uses: The Commission solicits public comment on, among other things, the data needed to be collected from the VRS service providers. The proposed data collections will be used to develop an effective and efficient cost recovery methodology for VRS.

Synopsis of the Further Notice of Proposed Rulemaking CC Docket No. 98–67

1. Title IV of the Americans with Disabilities Act of 1990 (ADA) requires Commission to ensure that TRS is available to the extent possible and in the most efficient manner to persons with hearing or speech disabilities in the United States. The Commission first ordered all carriers to provide TRS services nationwide on July 26, 1991. The rules for cost recovery were established in the *TRS Third Report and Order*, 58 FR 39671 (July 26, 1993). The Commission's rules require TRS providers to submit annually to the TRS Fund Administrator the data necessary to compute the TRS Fund requirements and payments. The administrator uses these data to develop formulas that are filed annually with the Commission. Payments to relay service providers are distributed based on the approved formulas. The compensation formulas are based on conversation minutes of use for completed interstate TRS calls.

2. On March 6, 2000, the Commission released the *Improved TRS Order*, 65 FR 38490 (June 21, 2000), which amended the rules governing the delivery of TRS by expanding the kinds of relay services available to consumers and by improving the quality of relay services. The *Improved TRS Order* permitted the recovery of VRS costs through the interstate TRS funding mechanism and directed the Advisory Council and the Fund Administrator to develop recommendations on how the compensation formula for each service should be structured. On November 9, 2000, the Advisory Council and the Fund Administrator submitted recommended guidelines outlining proposed cost recovery procedures for traditional TRS, STS, and VRS.

3. VRS allows a TRS user with a hearing and/or speech disability who uses sign language to communicate with a voice telephone user through video equipment installed at either the premises of the person with the disability or another appropriate location and at the relay center. The Commission's rules require that VRS CAs be qualified interpreters, defined as being able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. VRS is generally subject to the same mandatory minimum standards as TRS.

4. The Advisory Council and the Fund Administrator made the following recommendations for VRS cost recovery: (1) The TRS Center Data Request should be expanded to include specific VRS sections to capture the costs and minutes separately; (2) due to its unique characteristics, a separate reimbursement rate based on VRS cost and demand should be calculated; (3) providers should be reimbursed based on completed conversation minutes of use at a national average reimbursement rate; and (4) the same methodology for rate development in place today for traditional TRS interstate cost recovery could be used to develop the VRS reimbursement rate.

5. In the *Memorandum Opinion and Order* accompanying this *Further NPRM*, the Commission adopts the Advisory Council and the Fund Administrator's recommendations that the TRS Center Data Request should be expanded to include specific sections to

capture the costs and minutes for VRS separately and that a separate reimbursement rate based on VRS cost and demand should be calculated. The Commission declines to adopt the Advisory Council and the Fund Administrator's recommendations to use, on a permanent basis, the same methodology for rate development in place today for traditional TRS interstate cost recovery to develop a VRS reimbursement rate, and the recommendation to reimburse providers (based on completed conversation minutes of use) at a national average reimbursement rate. The Commission nevertheless directs the TRS administrator to ensure that providers are able to recover their fair costs related to providing VRS by establishing an interim VRS cost recovery rate using the average per minute compensation methodology used for traditional TRS. The Commission now seeks further comment on what VRS cost recovery mechanism should be established on a permanent basis.

6. In this *Further NPRM*, the Commission solicits additional comment on the appropriate cost recovery mechanism for VRS. Because the commenters' proposals are not sufficiently detailed for the Commission to act, the Commission seeks additional comment on these proposals, and any other proposals relating to VRS cost recovery. Specifically, the Commission requests comment on the proposal that VRS compensation be a monthly flat charge based on a fixed number of conversation minutes investment in VRS. The Commission also seeks comment on whether it would be feasible to combine flat-rate and usage-based methodologies to obtain the benefits of both. Parties are also encouraged to propose other compensation plans.

Initial Regulatory Flexibility Analysis

7. As required by the Regulatory Flexibility Act (RFA), the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in *Further NPRM*. 5 U.S.C. 603. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the *Further NPRM.* The Commission will send a copy of the *Further NPRM*, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). 5 U.S.C. 603(a).

Need for, and Objectives of, the Proposed Rules

8. The Commission is issuing this document to seek further comment on the recommended cost recovery guidelines for VRS filed by the Advisory Council and the Fund Administrator on November 9, 2000. The Advisory Council and the Fund Administrator made the following four recommendations with respect to VRS cost recovery: (1) The same methodology for rate development in place today for traditional TRS interstate cost recovery could be used to develop the VRS reimbursement rate; (2) providers should be reimbursed based on completed conversation minutes at a national average reimbursement rate; (3) the TRS Center Data Request should be expanded to include specific VRS sections to capture VRS costs and demand separately; and (4) due to its unique characteristics, a separate reimbursement rate based on VRS costs and demand should be calculated.

Legal Basis

9. The proposed action is authorized under §§ 64.603, and 64.604 of the Commission's Rules, 47 CFR 64.603, 64.604, and sections 1, 2, 4, 225, 255, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154, 225, 255, 303(r).

Description and Estimate of the Number of Small Entities To Which the Proposed Rules Will Apply

10. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. 5 U.S.C. 603(a)(3). The RFA defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' 5 U.S.C. 601(6). In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. 5 U.S.C. 601(3). Pursuant to the RFA, the statutory definition of a small business applies ''unless an agency, after consultation with the Office of Advocacy of the SBA and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**.'' 5 U.S.C. 601(3). A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA. 15 U.S.C. 632. The Commission notes that any small entities affected by any action proposed herein, should not be adversely affected. Furthermore, like all other entities affected, this action will aid small businesses by allowing them to recover costs for providing relay services. Below, the Commission further describes and estimates the number of small entity licensees and regulatees that may be affected by these proposals.

11. The most reliable source of information regarding the total numbers of certain common carrier and related providers nationwide, as well as the numbers of commercial wireless entities, appears to be data the Commission publishes annually in its Telecommunications Industry Revenue report, regarding TRS.

12. TRS Providers. Neither the Commission nor the SBA has developed a definition of ''small entity'' specifically applicable to providers of telecommunications relay services (TRS). The closest applicable definition under the SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. The SBA defines such establishments to be small businesses when they have no more than 1,500 employees. According to the FCC's most recent data, there are approximately 12 interstate TRS providers, which consist of interexchange carriers, local exchange carriers, state-managed entities, and non-profit organizations. Approximately five or fewer of these entities are small businesses according to the National Association for State Relay Administration (NASRA). These numbers are estimates because of recent and pending mergers and partnerships in the telecommunications industry. The FCC notes that these providers include several large interexchange carriers and incumbent local exchange carriers. Some of these large carriers may only provide TRS service in a small area but they nevertheless are not small business entities. MCI, for example, provides relay service in approximately only 3 states but is not a small business. Consequently, the FCC estimates that there are fewer than 5 small TRS providers that may be affected by the proposed rules, if adopted.

13. Wireline Carriers and Service Providers. The SBA has developed a definition of small entities for telephone communications companies except radiotelephone (wireless) companies. The Census Bureau reports that there were 2,321 such telephone companies in operation for at least one year at the end of 1992. According to the SBA's definition, a small business telephone company other than a radiotelephone

company is one employing no more than 1,500 persons. All but 26 of the 2,321 non-radiotelephone companies listed by the Census Bureau were reported to have fewer than 1,000 employees. Thus, even if all 26 of those companies had more than 1,500 employees, there would still be 2,295 non-radiotelephone companies that might qualify as small entities or small incumbent local exchange carriers (LECs). The FCC does not have data specifying the number of these carriers that are not independently owned and operated, and thus are unable at this time to estimate with greater precision the number of wireline carriers and service providers that would qualify as small business concerns under the SBA's definition. Consequently, the FCC estimates that fewer than 2,295 small telephone communications companies other than radiotelephone companies are small entities or small incumbent LECs.

14. The Commission has included small incumbent LECs in this present RFA analysis. As noted above, a ''small business'' under the RFA is one that, inter alia, meets the pertinent small business size standard, and ''is not dominant in its field of operation.'' 15 U.S.C. 632. The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent LECs are not dominant in their field of operation because any such dominance is not ''national'' in scope. The Commission has therefore included small incumbent LECs in this RFA analysis, although the Commission emphasizes that this RFA action has no effect on FCC analyses and determinations in other, non-RFA contexts.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

15. The proposed cost recovery measures may require additional recordkeeping requirements imposed for VRS. These costs, however, should be minimal because the tracking procedures are similar to those already in place for traditional TRS. In addition, these recordkeeping measures will promote more efficient service and allow the TRS providers to be reimbursed more accurately for their costs, thus negating any minimal costs imposed by these requirements. In addition, the Commission does not expect these costs to burden small entities any more than large entities because the costs are part of the reimbursement process and will allow all providers to be accurately reimbursed and develop effective methods of providing VRS. Furthermore, the FCC tentatively concludes that the proposals in this document would impose minimum burdens on small entities. The FCC seeks comment on these tentative conclusions.

Steps Taken To Minimize Significant Impact on Small Entities, and Significant Alternatives Considered

16. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives: (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities. 5 U.S.C. 603(c). The Commission has tentatively concluded that the proposed guidelines will have minimal, if any, adverse economic impact on small entities because they are designed to allow all providers to be accurately reimbursed.

17. The Commission is issuing this *Further NPRM* to seek additional comment on the cost recovery methodology for VRS, which is a relatively new service offering. Commenters believe that VRS will require a substantially higher initial capital expenditure than traditional TRS and that a per minute reimbursement rate may not allow them to recover that expenditure. Commenters propose that, for the present time, VRS compensation be based on a flat monthly payment for an assumed number of minutes rather than the completed conversation minutes of use at a national average reimbursement rate. Once VRS generates sufficient monthly use, however, the flat monthly payment could be abandoned for the completed conversation minutes methodology suggested by the Advisory Council and the Fund Administrator. These proposals, however, are not sufficiently detailed for the Commission implement a cost recovery scheme. Thus, the Commission now seeks further comment on what VRS cost recovery mechanism should be established on a permanent basis.

18. The Commission has set forth the proposed rule primarily for the purpose of generating comment. At this time, the Commission has not tentatively concluded that any of the proposals provided should be adopted. To the contrary, the purpose of this *Further NPRM* is to seek comments and proposals to develop the most effective method of cost recovery for VRS. Thus, the Commission is receptive of comments proposing alternatives to the ones provided by the Advisory Council and Fund Administrator and commenters. If comments received indicate that smaller entities may be impacted differently or adversely affected by the proposed rules or any alternative proposals, the Commission will seek alternatives that will prevent such an impact.

Federal Rules That May Duplicate, or Conflict With the Proposed Rules

19. None.

Report to Congress

20. The Commission will send a copy of this *Further NPRM*, including a copy of this IRFA, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996. In addition, the *Further NPRM* and this IRFA will be sent to the Chief Counsel for Advocacy of the Small Business Administration, and will be published in the **Federal Register**.

Ordering Clauses

21. Pursuant to the authority contained in § 64.604 of the Commission's Rules, 47 CFR 64.604, and in sections 1, 2, 4, 225, 255 and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154, 225, 255, 303(r) that this *Further Notice of Proposed Rulemaking* is hereby *Adopted.*

22. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., Washington, DC 20554, or via the Internet to *jboley@fcc.gov*, and to Edward C. Springer, OMB Desk Officer, 10236 NEOB, 725–17th Street, NW., Washington, DC 20503 or via the Internet to *Edward.Springer@omb.eop.gov.* For additional information concerning the information collection(s) contained in this document, contact Judy Boley at 202–418–0214, or via the Internet at *jboley@fcc.gov.*

23. The Commission's Consumer Information Bureau, Reference Information Center, *shall send* a copy of this *Further Notice of Proposed Rulemaking*, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of Small Business Administration.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. 02–1981 Filed 1–28–02; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF DEFENSE

48 CFR Parts 208, 239, 251, and 252

[DFARS Case 2000–D023]

Defense Federal Acquisition Regulation Supplement; Enterprise Software Agreements

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to add policy pertaining to the use of enterprise software agreements for the acquisition of commercial software and software maintenance.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before April 1, 2002, to be considered in the formation of the final rule.

ADDRESSES: Respondents may submit comments directly on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm.* As an alternative, respondents may e-mail comments to: *dfars@acq.osd.mil.* Please cite DFARS Case 2000–D023 in the subject line of e-mailed comments.

Respondents that cannot submit comments using either of the above methods may submit comments to: Defense Acquisition Regulations Council, Attn: Ms. Susan Schneider, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062; facsimile (703) 602–0350. Please cite DFARS Case 2000–D023.

At the end of the comment period, interested parties may view public comments on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf.*

FOR FURTHER INFORMATION CONTACT: Ms. Susan Schneider, (703) 602–0326. Please cite DFARS Case 2000–D023.

SUPPLEMENTARY INFORMATION:

A. Background

This proposed rule adds a new DFARS Subpart 208.74 to address the use of enterprise software agreements for the acquisition of commercial software and software maintenance in accordance with the DoD Enterprise Software Initiative. This initiative promotes the use of enterprise software agreements with contractors that allow DoD to obtain favorable terms and pricing for commercial software and related services. Associated DFARS changes are made in parts 208, 239, 251, and 252.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

The proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because most enterprise software agreements are blanket purchase agreements established under Federal Supply Schedules. Establishment of such agreements is already permitted by section 8.404(b)(4) of the Federal Acquisition Regulation. Therefore, an initial regulatory flexibility analysis has not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subparts also will be considered in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2000–D023 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 208, 239, 251, and 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, DoD proposes to amend 48 CFR Parts 208, 239, 251, and 252 as follows:

1. The authority citation for 48 CFR Parts 208, 239, 251, and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 208—REQUIRED SOURCES OF SUPPLIES AND SERVICES

2. Section 208.001 is amended by revising paragraph (a)(1)(v) to read as follows:

208.001 Priorities for use of Government supply sources.

(a)(1)(v) See Subpart 208.70, Coordinated Acquisition, and Subpart 208.74, Enterprise Software Agreements.

* * * * *

3. Subpart 208.74 is added to read as follows:

Subpart 208.74—Enterprise Software Agreements

Sec.
208.7400 Scope of subpart.
208.7401 Definitions.
208.7402 General.
208.7403 Acquisition procedures.

208.7400 Scope of subpart.

This subpart prescribes policy and procedures for acquisition of commercial software and software maintenance, including software and software maintenance that is acquired—

(a) As part of a system or system upgrade;

(b) Under a service contract;

(c) Under a contract administered by another agency;

(d) Under an interagency agreement; or

(e) By a contractor that is authorized to order from a Government supply source pursuant to FAR 51.101.

208.7401 Definitions.

As used in this subpart—

Enterprise software agreement means a blanket purchase agreement or a contract that is used to acquire designated commercial software or related services such as software maintenance.

Enterprise Software Initiative means an initiative led by the DoD Chief Information Officer to develop processes for DoD-wide software asset management.

Golden Disk means a purchased license or entitlement to distribute an unlimited or bulk number of copies of software throughout DoD.

Software product manager means the person who manages an enterprise software agreement.

208.7402 General.

Departments and agencies must fulfill requirements for commercial software and related services, such as software maintenance, in accordance with the DoD Enterprise Software Initiative (ESI). ESI promotes the use of enterprise software agreements (ESA) with contractors that allow DoD to obtain favorable terms and pricing for commercial software and related services.

208.7403 Acquisition procedures.

(a) Requiring officials must obtain commercial software rights or

maintenance from available existing DoD inventories (e.g.; Golden Disks and DoD-wide software maintenance agreements) before proceeding with an acquisition. DoD inventories and other ESI information are listed on the ESI website at http://www.don-imit.navy.mil/esi.

(b) If the required commercial software or related service is not in the DoD inventory, or not on an ESA, the contracting officer or requiring official may fulfill the requirement by other means. Existing ESAs are listed on the ESI website.

(c) If the commercial software or related service is on an ESA, the contracting officer or requiring official must review the terms and conditions and prices.

(d) If an ESA's terms and conditions and prices represent the best value to the Government, the contracting officer or the requiring official must fulfill the requirement for supplies or services through the ESA.

(e) If existing ESAs do not represent the best value to the Government, the software product manager (SPM) must be given an opportunity to provide the same or a better value to the Government under the ESAs before the contracting officer or requiring official may continue with alternate acquisition methods.

(1) The contracting officer or requiring official must notify the SPM of specific concerns about existing ESA terms and conditions or prices through the ESI webpage.

(2) The SPM will consider adjusting the ESA terms and conditions or prices to reflect ''most favored customer'' status.

(i) Within 3 working days, the SPM will—

(A) Update the ESA;

(B) Provide an estimated date by which the update will be accomplished; or

(C) Inform the contracting officer or requiring official that no change will be made to the ESA.

(ii) If the SPM informs the contracting officer or requiring official that no change will be made to the ESA terms and conditions or prices, the contracting officer or requiring official may obtain the requirement by other means.

(iii) If the SPM does not respond within 3 working days or does not plan to adjust the ESA within 90 days, the contracting officer or requiring official may fulfill the requirement by other means.

(3) A management official designated by the department or agency may waive the requirement to obtain commercial software or related services through an ESA after the steps in paragraphs (e)(1) and (e)(2)(i) of this section are complete.

PART 239—ACQUISITION OF INFORMATION TECHNOLOGY

4. Subpart 239.1 is added to read as follows:

Subpart 239.1—General

Sec.
239.101 Policy.

239.101 Policy.

See Subpart 208.74 when acquiring commercial software or software maintenance.

PART 251—USE OF GOVERNMENT SOURCES BY CONTRACTORS

5. Section 251.102 is amended as follows:

a. By revising paragraph (f);

b. In Table 51–1, by revising paragraph 1., and by adding paragraph 2.c. to read as follows:

251.102 Authorization to use Government supply sources.

* * * * *

(f) The authorizing agency is also responsible for promptly considering requests of the DoD supply source for authority to refuse to honor requisitions from a contractor that is indebted to DoD and has failed to pay proper invoices in a timely manner.

Table 51–1, Authorization To Purchase From Government Supply Sources

* * * * *

1. You are hereby authorized to use Government sources in performing Contract No. _____ for *[insert applicable military department or defense agency]*, as follows: *[Insert applicable purchasing authority given to the contractor.]*

2. * * *

c. Enterprise Software Initiative. Place orders in accordance with the terms and conditions of the attached Enterprise Software Agreement(s), or instructions for obtaining commercial software or software maintenance from Enterprise Software Initiative inventories, and this authorization. Attach a copy of this authorization to the order (unless a copy was previously furnished to the Enterprise Software Agreement contractor).

Insert the following statement in the order:

This order is placed under written authorization from _____ dated _____(*_____). In the event of any inconsistency between the terms and conditions of this order, and those of the Enterprise Software Agreement, the latter will govern.

* * * * *

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

6. Section 252.251–7000 is amended as follows:

a. By revising the clause date and paragraph (a); and

b. In paragraph (d)(4) in the last sentence by removing ''Such'' and adding in its place ''The''.

252.251–7000 Ordering From Government Supply Sources.

* * * * *

Ordering From Government Supply Sources (XXX 2002)

(a) When placing orders under Federal Supply Schedules, Personal Property Rehabilitation Price Schedules, or Enterprise Software Agreements, the Contractor shall follow the terms of the applicable schedule or agreement and authorization. Include in each order:

(1) A copy of the authorization (unless a copy was previously furnished to the Federal Supply Schedule, Personal Property Rehabilitation Price Schedule, or Enterprise Software Agreement contractor).

(2) The following statement:

This order is placed under written authorization from _____ dated _____. In the event of any inconsistency between the terms and conditions of this order and those of your Federal Supply Schedule contract, Personal Property Rehabilitation Price Schedule contract, or Enterprise Software Agreement, the latter will govern.

(3) The completed address(es) to which the Contractor's mail, freight, and billing documents are to be directed.

* * * * *

[FR Doc. 02–2058 Filed 1–28–02; 8:45 am]

BILLING CODE 5001–08–U

Proposed Rules

Federal Register
Vol. 67, No. 19
Tuesday, January 29, 2002

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 316, 317, and 381

[Docket No. 92–005N]

Prominently Disclosed Product Name Qualifiers

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of withdrawal of proposed rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is withdrawing the proposed rule, ''Prominently Disclosed Product Name Qualifiers,'' which was published in the **Federal Register** on November 4, 1992 (57 FR 52596). In the 1992 proposal, the Agency proposed to remove certain provisions of the meat and poultry products inspection regulations that require that the labeling of meat and poultry products disclose that certain ingredients are present in a product through the use of a phrase that qualifies the product name. FSIS now believes that this proposal is redundant with later Agency initiatives, and that the proposal contains a number of errors. Therefore, FSIS is withdrawing the proposal and will rely on the initiatives currently under development to resolve the issues that had been raised in the proposed rule.

ADDRESSES: Send comments to FSIS Docket Clerk, Docket No. 92–005N, Room 102, Cotton Annex Building, 300 12th Street, SW, Washington, DC 20250–3700. Any comments received will be available for public inspection in the Docket Room from 8:30 a.m. to 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Robert C. Post, Ph.D., Director, Labeling and Consumer Protection Staff, Food Safety and Inspection Service, Washington, DC 20250–3700, Telephone(202)205–0279, Fax (202)205–3625.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 4, 1992, FSIS published a proposed rule, ''Prominently Disclosed Product Name Qualifiers,'' in which the Agency proposed to remove certain provisions from the meat and poultry products inspection regulations that require that the labeling of meat and poultry products disclose that certain ingredients are present in a product through the use of a phrase that qualifies the product name. In the preamble to the proposal, FSIS explained that it had required the product name qualifiers as a means of alerting consumers to the presence of unusual or unexpected ingredients in a product, but that the Agency had come to believe that consumers rely more on a product's ingredients statement to determine the composition of a food than they did in the past. In the preamble, FSIS reiterated its view that it had initially articulated in the final rule, ''Standards and Labeling Requirements for Mechanically Separated (Species) and Products in Which It Is Used''(47 FR 28214, June 29, 1982), that unless the addition of an ingredient significantly alters the identity of a product, the presence of unusual or unexpected ingredients in a product need not always be disclosed in a statement that qualifies the product name.

Since it published the proposal, the Agency has begun a number of other labeling reform initiatives that will provide opportunities for public comment on the need for product name qualifiers, labeling statements, and other required labeling features. As a result of these new initiatives, FSIS now considers the subject rulemaking to be redundant and unnecessary.

Furthermore, after careful review, FSIS has recognized that the 1992 proposal incorrectly categorized some of the subject labeling statements about ingredient declarations as product name qualifiers. Not all of the labeling statements cited in the 1992 proposal are product name qualifiers. For example, FSIS proposed to remove 9 CFR 317.2(j)(12), which requires that containers of certain meat food products preserved in, bearing, or containing any chemical preservative bear a label stating that fact. Although § 317.2(j)(12) requires containers of certain meat food products to bear a labeling statement that discloses the fact that the product is preserved in, bears, or contains a chemical preservative, it does not require that the statement qualify the product name. Moreover, under section 1(n)(11) of the Federal Meat Inspection Act (FMIA)(21 U.S.C. 601(n)(11)), when a product contains a chemical preservative, unless the regulations provide an impracticability exemption, that fact must appear on the product's labeling in order to prevent the product from being misbranded.

In the 1992 proposal, FSIS also mistakenly proposed to remove certain supplementary labeling requirements that are necessary to distinguish different versions of a particular type of product. For example, FSIS proposed to revise 9 CFR 319.180, which defines the standard of identity for certain cooked sausages, such as hotdogs and bologna, to permit these cooked sausages to contain meat byproducts and variety meats without disclosing the presence of these ingredients in a product name qualifier. Upon review, FSIS now recognizes that for cooked sausages defined under § 319.180, the inclusion of byproducts and variety meats affects product identity sufficiently to result in distinctive versions of the same product, and that the labeling of these products should continue to declare the presence of byproducts or variety meats as part of the product name.

Summary of Comments

FSIS received 20 comments in response to the 1992 proposal, most in support of the proposed rule. The following is a general description of the comments received and FSIS's response.

Comments: A few commenters objected to the 1992 proposal. These commenters felt that FSIS should continue to require that the presence of certain ingredients in a product be disclosed in a statement adjacent to the product name so that consumers who wish to avoid these ingredients in their diets can easily identify the products that contain them. The commenters noted that because of the potential for adverse health consequences, it is particularly important for consumers with allergies or intolerances to certain food ingredients to know when a food contains these ingredients.

Response: Although it is withdrawing the 1992 proposal, FSIS does not believe that removing the required qualifying phrases as proposed would deprive

consumers of the ability to easily identify food with ingredients that they wish to avoid in their diets. If a meat or poultry product is fabricated from two or more ingredients, all such ingredients must be listed on the product label by their common or usual names in descending order of their predominance (9 CFR 317.2(c)(2), 317.2(f)(1), and 381.118(a)). Thus, if a consumer wants to determine whether a product contains a specific ingredient, the consumer can easily find this information in the one place specifically designated for this purpose, the ingredients statement. In fact, because not all ingredients that consumers may wish to avoid, including those that may be allergens to some consumers, are required to be identified in a statement that qualifies a product name, FSIS expects that consumers would look to a product's ingredients statement rather than rely on supplementary labeling information to determine the composition of a meat or poultry product.

Comments: Several commenters expressed support for the proposal but requested that FSIS remove or amend additional supplementary labeling requirements contained in the regulations. Many of the required labeling statements that the commenters wanted FSIS to remove or amend are qualifying statements that identify ingredients or processing methods that affect product identity, and therefore, are needed to distinguish different versions of a particular type of product. For example, some commenters requested that FSIS remove the qualifying statements that are required to appear as part of the name of certain fabricated steaks that identify how these products are processed.

Response: In the preamble to the 1992 proposal, FSIS stated that, if the addition of an ingredient affects product identity sufficiently to result in distinctive versions of the same product, the labeling of the new product must declare the presence of the distinguishing ingredient as part of the product name. The same reasoning applies to processing methods that affect product identity. For example, the standard of identity for certain types of fabricated steaks requires that these products be identified by the product name in conjunction with a qualifying phrase that describes how these products are processed, such as ''Beef Steak, Chopped Shaped, Frozen,'' and ''Minute Steak, Formed, Wafer Sliced, Frozen,'' and ''Veal Steaks, Beef Added, Chopped-Molded-Cubed-Frozen, Hydrolyzed Plant Protein and Flavoring''(9 CFR 319.15(d)). Because the way these products are processed affects product identity, the qualifying phrases that describe the processing methods are needed to distinguish the fabricated versions of these products from the unprocessed versions. Thus, FSIS did not include the required labeling statements identified by the commenters as part of the 1992 proposal because many of these statements, like the statements that disclose the processing methods for certain fabricated steaks, pertain to ingredients or processing methods that affect product identity.

However, FSIS and the Food and Drug Administration (FDA) are jointly working on a comprehensive approach to modernizing food standards that will establish guiding principles for outside parties to apply when petitioning FSIS or FDA to revise or simplify a food standard. A description of this food standards modernization effort was published as an Advance Notice of Proposed Rulemaking (ANPR) in the **Federal Register** on September 9, 1996 (61 FR 47453). Thus, interested parties who believe that certain ingredients or processing methods do not sufficiently affect product identity to require disclosure in a statement that qualifies a product name will have the opportunity to request revisions to the standards of identity for meat and poultry products through this food standards modernization initiative.

Comments: In the preamble to the 1992 proposal, FSIS identified specific supplementary labeling requirements that do not necessarily distinguish different versions of a particular type of product, but that the Agency has determined must appear adjacent to the name of certain products in order to prevent the labeling of these products from being misleading to consumers. For example, meat products with a standard of identity that permits or requires the addition of nitrate or nitrite but that do not contain nitrate or nitrite must be identified as ''Uncured'' (9 CFR 319.2) and must bear the statements ''No Nitrate or Nitrite Added, Not Preserved,'' and, if they have not been sufficiently thermally processed, fermented, or dried, ''No Preservatives, Keep Refrigerated Below 40°,'' adjacent to the product name (9 CFR 317.17(c)). In the preamble to the proposed rule, FSIS stated that it was not proposing to remove these labeling requirements because they are needed to provide consumers with clear and complete information about the product. FSIS received several comments questioning the need for these and other required labeling statements and the manner in which they must be displayed in order to prevent misleading product labels. Some commenters suggested that some of the required information could be effectively communicated to consumers without the use of a statement adjacent to the product name.

Response: FSIS excluded certain supplementary labeling requirements from the 1992 proposal because, in the Agency's judgment, these statements are necessary to prevent the labeling of certain products from being misleading to consumers. In the example cited above, the fact that certain meat products are cured or uncured affects product identity. Therefore, the term ''Uncured'' is required to distinguish the uncured version of the product from the traditional cured version. However, because the uncured versions of these products are at a greater risk of microbial contamination and spoilage if handled improperly, FSIS determined that additional statements that describe how to handle the uncured product safely should appear on the product label. Furthermore, because the uncured products look and taste very much like the traditional cured products, FSIS requires that these statements be displayed adjacent to the product name to prevent consumers from being misled. When the 1992 proposal was published, FSIS determined that this labeling information and the other required labeling statements identified by the commenters must continue to appear adjacent to the product name to prevent misleading product labeling.

However, as previously mentioned, since the 1992 proposal was published, FSIS has begun a number of labeling reform initiatives that will provide opportunities for public comment on the need for product name qualifiers, labeling statements, and other required labeling features. Therefore, interested parties will have an opportunity to raise issues related to the need for certain required supplementary labeling information and the manner in which it must be displayed through these labeling reform initiatives.

Comments: FSIS received several comments requesting that the Agency remove certain supplementary labeling statements described in the Food Standards and Labeling Policy Book. For example, the Policy Book states that the phrase ''Batter Wrapped Frank on a Stick'' should be used in conjunction with the name ''Corn Dog.''

Response: The Policy Book contains informal food standards that do not have the same authority as the food standards codified in the regulations. However, FSIS will consider the need for such labeling statements described

in the Policy Book as part of its continuing review of informal policies.

Because the ''Prominently Disclosed Product Name Qualifiers'' proposal is no longer necessary and contains a number of errors, FSIS is withdrawing this proposed rule (Docket No. 92–005P). FSIS plans to rely on the other labeling reform initiatives to resolve issues that had been raised in the proposed rule.

With this notice, FSIS is officially withdrawing the proposed rule (Docket No. 92–005P) of November 4, 1992.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to better ensure that minorities, women, and persons with disabilities are aware of this notice, FSIS will announce it and provide copies of this **Federal Register** publication in the FSIS Constituent Update. FSIS provides a weekly FSIS Constituent Update, which is communicated via fax to over 300 organizations and individuals. In addition, the update is available on-line through the FSIS web page located at *http://www.fsis.usda.gov*. The update is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and any other types of information that could affect or would be of interest to our constituents/stakeholders. The constituent fax list consists of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals that have requested to be included. Through these various channels, FSIS is able to provide information to a much broader, more diverse audience. For more information and to be added to the constituent fax list, fax your request to the Congressional and Public Affairs Office, at (202) 720–5704.

Done at Washington, DC, on: January 24, 2002.

Margaret O'K. Glavin,

Acting Administrator.

[FR Doc. 02–2133 Filed 1–28–02; 8:45 am]

BILLING CODE 3410–DM–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[Docket No. PRM–50–73A]

Robert H. Leyse; Supplement to a Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Supplemental petition for rulemaking; notice of receipt.

SUMMARY: The Nuclear Regulatory Commission (NRC) has received and requests public comment on a supplement to his original petition for rulemaking (PRM–50–73) filed with the Commission by Robert H. Leyse. The supplemental petition was docketed by the Commission and has been assigned Docket No. PRM–50–73A. The petitioner requests, in this supplement to his earlier petition, that the NRC amend its regulations on the acceptance criteria for emergency core cooling systems for light-water nuclear power reactors to address the impact of severe crud deposits on fuel bundle coolability during normal operation of a light-water-reactor (LWR).

DATES: Submit comments by April 15, 2002. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: Submit written comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff. Deliver comments to: 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. Federal workdays.

For a copy of the petition, write to Michael T. Lesar, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

You may also provide comments via the NRC's interactive rulemaking Web site at *http://ruleforum.llnl.gov*. This site provides the capability to upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking Web site, contact Ms. Carol Gallagher, 301–415–5905 (e-mail: *cag@nrc.gov*).

The petition and copies of comments received may be inspected and copied for a fee at the NRC Public Document Room, 11555 Rockville Pike, Public File Area O1F21, Rockville, Maryland. Copies of comments received are also available through the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. These documents may be accessed through the NRC's Public Electronic Reading Room on the Internet at *http://www.nrc.gov/NRC/ADAMS/index.html*. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737or by e-mail to *pdr@nrc.gov*.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Telephone: 301–415–7163 or Toll Free: 800–368–5642.

SUPPLEMENTARY INFORMATION:

Background

The NRC received a petition for rulemaking dated September 4, 2001, submitted by Mr. Robert H. Leyse, on his own behalf. The petition was docketed as PRM–50–73 on September 6, 2001. The notice of receipt of this petition was published on October 12, 2001, (66 FR 52065). On November 5, 2001, the NRC received a supplement to PRM–50–73 submitted by Mr. Leyse. The supplement to the petition was assigned docket number PRM–50–73A.

In his original petition, the petitioner requested that the NRC amend its regulations on the acceptance criteria for emergency core cooling systems for light-water nuclear power reactors to address the impact of crud on cooling capability during a fast-moving, large-break, loss-of-coolant accident (LOCA).

The petitioner requested that elements in § 50.46 concerning comparisons to applicable experimental data, and the following paragraphs in Appendix K to part 50, be revised to include the impact of crud deposits on fuel pins:

I.B. Swelling and Rupture of the Cladding and Fuel Rod Thermal Parameters;
I.C.2 Frictional Pressure Drops;
I.C.4 Critical Heat Flux;
I.C.5 Post-CHF Heat Transfer Correlations;
I.C.7 Core Flow Distribution During Blowdown;
I.D.3 Calculation of Reflood Rate for Pressurized Water Reactors;
I.D.6 Convective Heat Transfer Coefficients for Boiling Water Reactor Fuel Rods Under Spray Cooling; and

I.D.7 The Boiling-Water Reactor Channel Box Under Spray Cooling.

II.1.a The documentation requirements in this paragraph should include a description of each evaluation model used for estimation of the effects of crud deposits on fuel pins.

The Petitioner's Request

In his supplemental petition (PRM–50–73A), the petitioner requests that the NRC revise its regulations on the acceptance criteria for emergency core cooling systems for light-water nuclear power reactors to address the impact severe crud buildup will have on core coolability during normal reactor operations.

The petitioner states that a certain licensed power reactor has operated with unusually heavy crud deposits within several fuel bundles. The petitioner states that these deposits were found and at least partially classified during a refueling outage. The petitioner believes that if these deposits had continued to build during normal reactor operation at power, the unusually heavy crud deposits would have become severe crud deposits. Blockage of the flow channels within the fuel bundles would likely have developed. The petitioner believes that severe crud deposits within the fuel bundles can lead to a loss of coolability with consequent overheating of zirconium cladding within the bundles, autocatalytic zirconium-water reactors of the fuel cladding, chemical reactions between the fuel cladding and uranium oxide fuel pellets, initiation of zirconium water reactions involving zirconium core structures such as fuel bundle spacer grids and channel boxes, melting of certain control element materials, melting of braze materials in certain fuel bundle spacer grids, metallurgical reactions between certain fuel bundle spacer grid springs and the zirconium cladding on the fuel pins, and additional sources of structural degradation. The petitioner states that these factors can initiate substantial and rapid localized core melting while the LWR is at power. The petitioner states that if the LWR is then shut down, the core meltdown may rapidly propagate among the fuel bundles and core structures with sequential and parallel destruction of the barriers that constitute defense in depth. Thus, the single entity, unusually heavy crud deposits on the fuel pins, might be only one step before unusually heavy crud deposits thicken and become severe crud deposits. The petitioner states that severe crud deposits then threaten the integrity of all of the barriers that in total constitute the defense in depth.

The petitioner states that performance-based experience reveals that when unusually heavy crud deposition on fuel bundles occurs during normal operation of an LWR, there are likely to be indications of fuel element cladding defects by increases in the offgas activity. However, the petitioner states that this increase in the offgas activity is not regarded as an indicator of a possible heavy crud deposition. The petitioner believes that an LWR may be operated within its Licensing Basis and the Technical Specifications until the transition from unusually heavy crud deposition to severe crud deposition is effected. The petitioner believes that at this point it is likely that rapid localized core melting will be initiated while the LWR is at power. The petitioner also believes that there will likely be delays (several seconds) before the LWR is shut down. The petitioner believes that by then the rapid propagation of the meltdown will likely be well underway and it will likely continue even though the LWR is shut down.

The petitioner requests that elements in § 50.46 and the following paragraphs in Appendix K to part 50, and perhaps other regulations, be revised to include the impact of crud deposits on the fuel bundles during normal operation:

I.B. Swelling and Rupture of the Cladding and Fuel Rod Thermal Parameters;

I.C.2 Frictional Pressure Drops;

I.C.4 Critical Heat Flux;

I.C.5 Post-CHF Heat Transfer Correlations;

I.C.7 Core Flow Distribution During Blowdown;

I.D.3 Calculation of Reflood Rate for Pressurized Water Reactors;

I.D.6 Convective Heat Transfer Coefficients for Boiling Water Reactor Fuel Rods Under Spray Cooling; and

I.D.7 The Boiling-Water Reactor Channel Box Under Spray Cooling.

II.1.a The documentation requirements in this paragraph should include a description of each evaluation model used for estimation of the effects of crud deposits on fuel pins.

Dated at Rockville, Maryland, this 22nd day of January 2002.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 02–2075 Filed 1–28–02; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. CE171; Notice No. 23–01–04–SC]

Special Conditions: Eclipse Aviation Corporation, Model 500; Fire Extinguishing System for Aft Mounted Engine Installations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes special conditions for the Eclipse Aviation Corporation Model 500 airplane. This airplane design includes aft mounted turbine engines. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Comments must be received on or before February 28, 2002.

ADDRESSES: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Regional Counsel, Attention: Rules Docket No. CE171, 901 Locust, Room 506, Kansas City, Missouri 64106; or delivered in duplicate to the Regional Counsel at the above address. Comments must be marked: Docket No. CE171. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Lowell Foster, Federal Aviation Administration, Aircraft Certification Service, Small Airplane Directorate, ACE–111, 901 Locust Street, Kansas City, Missouri, 816–329–4111, fax 816–329–4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of these proposed special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. The proposals described

in this action may be changed in light of the comments received. All comments received will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this action must include with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. CE171.'' The postcard will be date stamped and returned to the commenter.

Background

On November 9, 2000, Eclipse Aviation Corporation applied for a type certificate for their new Model 500.

The Model 500 design includes turbine engines mounted aft on the fuselage, which means early visual detection of engine fire is precluded. The applicable existing regulations do not require fire extinguishing systems for engines. Aft mounted turbine engine installations, along with the need to protect such installed engines from fires, were not envisioned in the development of part 23; therefore, a special condition for a fire extinguishing system for the engines of the Model 500 is required.

Type Certification Basis

Under the provisions of 14 CFR 21.17, Eclipse Aviation Corporation must show that the Model 500 meets the following:

(1) Applicable provisions of 14 CFR part 23, effective December 18, 1964, as amended by Amendments 23–1 through 23–54 (September 14, 2000).

(2) Part 34 of the Federal Aviation Regulations effective September 10, 1990, plus any amendments in effect on the date of type certification.

(3) Part 36 of the Federal Aviation Regulations effective December 1, 1969, as amended by Amendment 36–1 through the amendment in effect on the date of type certification.

(4) Noise Control Act of 1972.

(5) Special Conditions:

a. Special Conditions for Protection from High Intensity Radiated Fields (HIRF) will be required.

b. Special Conditions for aft mounted engines to include Engine Fire Extinguishing System or Fire Detection and Control will be required. A fire extinguishing system is not required if Eclipse Aviation Corporation can show that a fire that starts in any engine compartment is detectable and controllable.

c. Special Conditions for an Electronic Engine Control System will be required.

(6) Exemptions approved by the FAA (14 CFR 11.27).

(7) Equivalent Level of Safety Findings, as necessary.

If the Administrator finds that the applicable airworthiness regulations (*i.e.*, part 23) do not contain adequate or appropriate safety standards for the Model 500 because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

In addition to the applicable airworthiness regulations and special conditions, the Model 500 must comply with the part 23 fuel vent and exhaust emission requirements of 14 CFR part 34 and the part 23 noise certification requirements of 14 CFR part 36, and the FAA must issue a finding of regulatory adequacy pursuant to section 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

Special conditions, as appropriate, as defined in § 11.19, are issued in accordance with § 11.38 after public notice and become part of the type certification basis in accordance with § 21.17(a)(2).

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of § 21.101.

Novel or Unusual Design Features

The Eclipse Model 500 will incorporate the following novel or unusual design features: Turbine engines mounted on the aft of the fuselage. Aft mounted turbine engine installations need to be protected from fire since early visual detection of engine fires is not possible. This notice proposes a special condition for a fire extinguishing system for the engines of the Model 500.

Applicability

As discussed above, these special conditions are applicable to the Eclipse Model 500. Should Eclipse Aviation Corporation apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well under the provisions of § 21.101.

Conclusion

This action affects only certain novel or unusual design features on one model of airplanes. It is not a rule of general applicability, and it affects only the applicant who applied to the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113 and 44701; 14 CFR 21.16 and 21.17; and 14 CFR 11.38 and 11.19.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for the Eclipse Aviation Corporation Model 500.

Engine Fire Extinguishing System

(a) Fire extinguishing systems must be installed and compliance must be shown with the following:

(1) Except for combustor, turbine, and tailpipe sections of turbine-engine installations that contain lines or components carrying flammable fluids for which a fire originating in these sections can be controllable, a fire extinguisher system must serve each engine compartment.

(2) The fire extinguishing system, the quantity of the extinguishing agent, the rate of discharge, and the discharge distribution must be adequate to extinguish fires. An individual ''one shot'' system may be used.

(3) The fire extinguishing system for a nacelle must be able to simultaneously protect each compartment of the nacelle for which protection is provided.

(b) Fire extinguishing agents must meet the following requirements:

(1) Be capable of extinguishing flames emanating from any burning of fluids or other combustible materials in the area protected by the fire extinguishing system.

(2) Have thermal stability over the temperature range likely to be experienced in the compartment in which they are stored; and

(3) If any toxic extinguishing agent is used, provisions must be made to prevent harmful concentrations of fluid or vapors from entering any personnel compartment even though a defect may exist in the extinguishing system.

(c) Fire extinguishing agent containers must meet the following requirements:

(1) Have a pressure relief to prevent bursting of the container by excessive internal pressures.

(2) The discharge end of each discharge line from a pressure relief connection must be located so the discharge of the fire extinguishing agent would not damage the airplane. The line must also be located or protected to prevent clogging caused by ice or other foreign matter.

(3) A means must be provided for each fire extinguishing agent container to indicate that the container has discharged or that the charging pressure is below the established minimum necessary for proper functioning.

(4) The temperature of each container must be maintained, under intended operating conditions, to prevent the pressure in the container from falling below that necessary to provide an adequate rate of discharge, or rising high enough to cause premature discharge; and

(5) If a pyrotechnic capsule is used to discharge the fire extinguishing agent each container must be installed so that temperature conditions will not cause hazardous deterioration of the pyrotechnic capsule.

(d) Fire extinguisher system materials must meet the following requirements:

(1) No material in any fire extinguishing system may react chemically with any extinguishing agent so as to create a hazard, and

(2) Each system component in an engine compartment must be fireproof.

Issued in Kansas City, Missouri on January 14, 2002.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–2143 Filed 1–28–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–107100–00]

RIN 1545–AY26

Disallowance of Deductions and Credits for Failure To File Timely Return

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations and notice of public hearing.

SUMMARY: This document contains proposed regulations relating to the disallowance of deductions and credits for nonresident alien individuals and foreign corporations that fail to file a timely U.S. income tax return. The current regulations permit nonresident aliens and foreign corporations the benefit of deductions and credits only if they timely file a U.S. income tax return in accordance with subtitle F of the Internal Revenue Code, unless the Commissioner waives the filing deadlines. The temporary regulations revise the waiver standard. The text of the temporary regulations on this subject in this issue of the **Federal Register** also serves as the text of these proposed regulations set forth in this cross-referenced notice of proposed rulemaking. This document also provides notice of a public hearing on these proposed regulations.

DATES: Written comments must be received by April 29, 2002. Requests to speak and outlines of topics to be discussed at the public hearing scheduled for June 3, 2002, at 10 a.m. must be received by May 13, 2002.

ADDRESSES: Send submissions to: CC:ITA:RU (REG–107100–00), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday between the hours of 8 a.m. and 5 p.m. to: CC:ITA:RU (REG–107100–00), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC. Alternatively, taxpayers may submit comments electronically via the Internet by selecting the ''Tax Regs'' option on the IRS Home Page, or by submitting comments directly to the IRS Internet site at *http://www.irs.ustreas.gov/tax_regs/regslist.html.* The public hearing will be held in the auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning the regulations, Nina E. Chowdhry, (202) 622–3880; concerning submissions, the hearing, and/or to be placed on the building access list to attend the hearing, Donna Poindexter, (202) 622–7180 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

Temporary regulations in the Rules and Regulations section of this issue of the **Federal Register** amend the Income Tax Regulations (26 CFR part 1) relating to sections 874 and 882. These temporary regulations contain rules relating to the disallowance of deductions and credits for nonresident alien individuals and foreign corporations that fail to file a timely U.S. income tax return.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations and, because these regulations do not impose on small entities a collection of information requirement, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any electronic or written comments (a signed original and eight (8) copies) that are submitted timely to the IRS. Treasury and the IRS request comments on the clarity of the proposed rule and how it may be made easier to understand. All comments will be made available for public inspection and copying.

A public hearing has been scheduled for June 3, at 10 a.m., in the auditorium, Internal Revenue Building, 1111 Constitution Ave., NW., Washington, DC. All visitors must present photo identification to enter the building. Because of access restrictions, visitors will not be admitted beyond the immediate entrance area more than 15 minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

The rules of 26 CFR 601.601(a)(3) apply to this hearing. Persons who wish to present oral comments at the hearing must submit electronic or written comments and an outline of the topics to be discussed and the time to be devoted to each topic (signed original and eight (8) copies) by April 29, 2002. A period of 10 minutes will be allotted to each person for making comments. An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

Drafting Information

The principal author of these regulations is Nina Chowdhry of the Office of Associate Chief Counsel (International). However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

Paragraph 1. The authority citation for part 1 is amended by adding entries in numerical order to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

Section 1.874–1 also issued under 26 U.S.C. 874. * * *

Section 1.882–4 also issued under 26 U.S.C. 882(c). * * *

Par. 2. Section 1.874–1 is amended by:

1. Revising paragraph (b)(2).
2. Paragraphs (b)(3) and (b)(4) are redesignated as paragraphs (b)(5) and (b)(6), respectively.
3. New paragraphs (b)(3) and (b)(4) are added.

The revision and additions read as follows:

§ 1.874–1 Allowance of deductions and credits to nonresident alien individuals.

* * * * *

(b)(2) through (4) [The text of proposed paragraphs (b)(2), (3), and (4) is the same as the text of § 1.874–1T(b)(2), (3), and (4) published elsewhere in this issue of the **Federal Register**].

* * * * *

Par. 3. Section 1.882–4 is amended by:

1. Revising paragraph (a)(3)(ii).
2. Paragraphs (a)(3)(iii) through (a)(3)(v) are redesignated as paragraphs (a)(3)(v) through (a)(3)(vii), respectively.
3. New paragraphs (a)(3)(iii) and (iv) are added.

The revision and additions read as follows:

§ 1.882–4 Allowance of deductions and credits to foreign corporations.

* * * * *

(a)(3)(ii) through (iv) [The text of proposed paragraphs (a)(3)(ii) through (iv) is the same as the text of § 1.882–4T(a)(3)(ii) through (iv) published elsewhere in this issue of the **Federal Register**].

* * * * *

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

[FR Doc. 02–2045 Filed 1–28–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–142299–01 and REG–209135–88]

RIN 1545–BA36 and 1545–AW92

Certain Transfers of Property to Regulated Investment Companies and Real Estate Investment Trusts; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: This document contains corrections to REG–142299–01 and REG–209135–88 that was published in the **Federal Register** on January 2, 2002 (67 FR 48). These regulations apply to certain transactions or events that result in a Regulated Investment Company [RIC] or Real Estate Investment Trust [REIT] owning property that has a basis determined by reference to a C corporation's basis in the property.

DATES: This correction is effective January 2, 2002.

FOR FURTHER INFORMATION CONTACT: Lisa A. Fuller (202) 622–7750 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The notice of proposed rulemaking that is the subject of these corrections is under section 337(d) of the Internal Revenue Code.

Need for Correction

As published, REG–142299–01 and REG 209135–88 contains errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication REG–142299–01 and REG–209135–88, which is the subject of FR. Doc. 01–31968, is corrected as follows:

1. On page 49, column 2, in the preamble under the paragraph heading ''*Background*'', lines 14 and 15, the language ''property to a RIC or REIT, then the RIC or REIT will be subject either to section'', is corrected to read ''property to a RIC or REIT, then either the RIC or REIT will be subject to section''.

LaNita Van Dyke,

Acting Chief, Regulations Unit, Associate Chief Counsel (Income Tax and Accounting).

[FR Doc. 02–2155 Filed 1–28–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–02–002]

RIN 2115–AA97

Safety and Security Zone; Pilgrim Nuclear Power Plant, Plymouth, MA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking; notice of meeting.

SUMMARY: The Coast Guard is proposing to establish permanent safety and security zones around the Pilgrim Nuclear Power Plant in Cape Cod Bay, Plymouth, MA. The safety and security zones will close all waters within an approximate 1000-yard distance from the plant, and will also close shore areas adjacent to the plant. The safety and security zones will prohibit entry into or movement within a portion of Cape Cod Bay and adjacent shore areas and are needed to ensure public safety and prevent sabotage or terrorist acts.

DATES: Comments and related materials must reach the Coast Guard on or before April 15, 2002. A public meeting will take place on Wednesday, February 6, 2002, at 7 p.m.

ADDRESSES: You may mail comments and related material to Marine Safety Office Boston, 455 Commercial Street, Boston, MA 02109. Marine Safety Office Boston maintains the public docket for this rulemaking. Comments and materials received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of the docket and will be available for inspection or copying at Marine Safety Office Boston between the hours of 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The meeting will take place at the Plymouth Elks Club located on Long Pond Road, Plymouth, MA. This notice will be made available online at *www.uscg.mil/d1/units/msobos/.*

FOR FURTHER INFORMATION CONTACT: LT Dave Sherry, Marine Safety Office

Boston, Maritime Security Operations Division, at (617) 223–3030.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD01–02–002), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know your comments reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

The Coast Guard plans to hold a public meeting on February 6, 2002 to discuss the proposed rule. Because this notice is close in time to the meeting, the Coast Guard will ensure the widest dissemination of notice of this meeting through e-mails and phone calls to interested organizations, web site releases, and press releases to local newspapers.

The following agenda has been prepared for the meeting:

(1) Introduction of Coast Guard, local and state law enforcement, Pilgrim Power Plant, and Lobstermen Association personnel.

(2) Presentation of NPRM requirements.

(3) Discussion of potential conflicts created by the NPRM and proposed solutions to these conflicts.

(4) Scheduling of additional meetings (if deemed necessary).

For information regarding this meeting contact LT Dave Sherry at the address listed under **ADDRESSES.** If you want the Coast Guard to hold additional meetings, you may contact LT Dave Sherry with a request in writing explaining why you believe one would be beneficial. If we determine an additional meeting would aid in this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

In light of terrorist attacks on New York City and Washington DC on September 11, 2001 permanent safety and security zones are proposed to safeguard the Pilgrim Nuclear Power Plant, persons at the facility, the public and surrounding communities from sabotage or other subversive acts, accidents, or other events of a similar nature. The Pilgrim Nuclear Power Plant presents a possible target of terrorist attack, due to the potential catastrophic impact nuclear radiation would have on the surrounding area, its large destructive potential if struck, and its proximity to a population center. These proposed safety and security zones prohibit entry into or movement within the specified areas.

This proposed rulemaking will establish security and safety zones having identical boundaries in all waters of Cape Cod Bay and land adjacent to those waters enclosed by a line as follows: beginning at position 41°57′30″ N, 070°34′36″ W; then running southeast to position 41°56′36″ N, 070°33′30″ W; then running southwest to position 41°56′28″ N, 070°34′38″ W; then running northwest to position 41°56′50″ N, 070°34′58″ W; then running northeast back to position 41°57′30″ N, 070°34′36″ W.

This proposed rulemaking proposes to make permanent temporary safety and security zones established on November 15, 2001 (67 FR 1607, January 14, 2002) under temporary section 165.T01–211 of Title 33 of the Code of Federal Regulations (CFR). That rulemaking established safety and security zones with identical boundaries in the rulemaking proposed herein. This rulemaking is necessary to provide permanent protection of the waterfront areas of the Pilgrim Nuclear Power Plant.

No person or vessel may enter or remain in the prescribed safety and security zones at any time without the permission of the Captain of the Port. Each person or vessel in a safety and security zone shall obey any direction or order of the Captain of the Port or designated Coast Guard representative on-scene. The Captain of the Port may take possession and control of any vessel in a security zone and/or remove any person, vessel, article or thing from a security zone. No person may board, take or place any article or thing on board any vessel or waterfront facility in a security zone without permission of the Captain of the Port.

Any violation of any safety or security zone proposed herein, is punishable by, among others, civil penalties (not to exceed $25,000 per violation, where each day of a continuing violation is a separate violation), criminal penalties (imprisonment for not more than 10 years and a fine of not more than $100,000), in rem liability against the offending vessel, and license sanctions.

This regulation is proposed under the authority contained in 50 U.S.C. 191, 33 U.S.C. 1223, 1225 and 1226.

Regulatory Evaluation

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979).

The Coast Guard expects the economic impact of this proposed rule to be so minimal that a full regulatory evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The effect of this proposed regulation will not be significant for several reasons: there is ample room for vessels to navigate around the zones in Cape Cod Bay, and advance notifications will be made to the local maritime community via marine information broadcasts.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), the Coast Guard considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities.

This proposed rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit, anchor, or conduct commercial fishing operations in a portion of Cape Cod Bay. For the reasons enumerated in the Regulatory Evaluation section above, these safety and security zones will not have a significant economic impact on a substantial number of small entities.

A public meeting will take place to evaluate the impact of this proposed rule on the commercial fishing industry and others. The regulation may be amended as a result of these impacts.

Assistance for Small Entities

Under subsection 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 [Pub. L. 104–121],

the Coast Guard wants to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If your small business or organization would be affected by this proposed rule and you have questions concerning its provisions or options for compliance, please call Lieutenant Dave Sherry, Marine Safety Office Boston, at (617) 223–3030.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

The Coast Guard analyzed this proposed rule under Executive Order 13132 and has determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This proposed rule would not impose an unfunded mandate.

Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

The Coast Guard analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This proposed rule is not an economically significant rule and does not pose an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. A rule with tribal implications has a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Environment

The Coast Guard considered the environmental impact of this proposed rule and concluded that, under figure 2–1, (34)(g), of Commandant Instruction M16475.lD, this rule is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES.**

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05–1(g), 6.04–1, 6.04–6, 160.5; 49 CFR 1.46.

2. Add § 165.115 to read as follows:

§ 165.115 Safety and Security Zones: Pilgrim Nuclear Power Plant, Plymouth, Massachusetts.

(a) *Location.* All waters and land of Cape Cod Bay enclosed by a line beginning at position 41° 57′ 30″ N, 070° 34′ 36″ W; then running southeast to position 41° 56′ 36″ N, 070° 33′ 30″ W; then running southwest to position 41° 56′ 28″ N, 070° 34′ 38″ W; then running northwest to position 41° 56′ 50″ N, 070° 34′ 58″ W; then running northeast back to position 41° 57′ 30″ N, 070° 34′ 36″ W.

(b) *Effective date.* This section is effective beginning June 15, 2002.

(c) *Regulations.*

(1) In accordance with the general regulations in §§ 165.23 and 165.33, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port Boston.

(2) All vessel operators shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

(3) No person may enter the waters or land area within the boundaries of the safety and security zones unless previously authorized by the Captain of the Port, Boston or his authorized patrol representative.

Dated: January 16, 2002.

B.M. Salerno,

Captain, U.S. Coast Guard, Captain of the Port, Boston, Massachusetts.

[FR Doc. 02–2209 Filed 1–25–02; 2:35 pm]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[FRL–7134–6]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; States of Kansas, Missouri, and Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the Commercial and Industrial Solid Waste Incineration (CISWI) section 111(d) negative declarations submitted by the states of Kansas, Missouri, and Nebraska. These negative declarations certify that CISWI units subject to the requirements of sections 111(d) and 129 of the Clean Air Act (CAA) do not exist in these states.

In the final rules section of the **Federal Register**, EPA is approving the state's submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial action and anticipates no relevant adverse comments to this action. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated in relation to this action. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed action. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed action must be received in writing by February 28, 2002.

ADDRESSES: Comments may be mailed to Wayne Kaiser, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Wayne Kaiser at (913) 551–7603.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final rule which is located in the rules section of the **Federal Register**.

Dated: January 14, 2002.

William Rice,

Acting Regional Administrator, Region 7.

[FR Doc. 02–2120 Filed 1–28–02; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[PA001–1001; FRL–7134–8]

Approval of Section 112(l) Authority for Hazardous Air Pollutants; City of Philadelphia; Department of Public Health Air Management Services

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve Philadelphia Department of Public Health Air Management Services' (AMS's) request for delegation of authority to implement and enforce its hazardous air pollutant regulations which have been adopted by reference from the Federal requirements set forth in the Code of Federal Regulations. This proposed approval will automatically delegate future amendments to these regulations. For sources which are required to obtain a Clean Air Act operating permit, this proposed delegation addresses all existing hazardous pollutant regulations. For sources which are not required to obtain a Clean Air Act operating permit, this proposed delegation presently addresses the hazardous air pollutant regulations for perchloroethylene drycleaning facilities, hard and decorative chromium electroplating and chromium anodizing tanks, ethylene oxide sterilization facilities, halogenated solvent cleaning and secondary lead smelting. In addition, EPA is proposing to approve of AMS's mechanism for receiving delegation of all future hazardous air pollutant regulations which it adopts unchanged from the Federal requirements. This mechanism entails submission of a delegation request letter to EPA following EPA notification of a new Federal requirement. EPA is not waiving its notification and reporting requirements under this proposed approval; therefore, sources will need to send notifications and reports to both AMS and EPA. This action pertains to affected sources, as defined by the Clean Air Act hazardous air pollutant program.

EPA is taking this action in accordance with the Clean Air Act (CAA). In the Final Rules section of this **Federal Register**, EPA is approving the City's request for delegation of authority as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments must be received on or before February 28, 2002.

ADDRESSES: Written comments on this action should be sent concurrently to: Makeba A. Morris, Chief, Permits and Technical Assessment Branch, Mail Code 3AP11, Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103–2029, and Morris Fine, Director, Air Management Services, Department of Public Health, City of Philadelphia, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103 and Air Management Services, Department of Public Health, City of Philadelphia, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104.

FOR FURTHER INFORMATION CONTACT: Dianne J. McNally, 215–814–3297, at the EPA Region III address above, or by e-mail at *mcnally.dianne@epa.gov.* Please note that any formal comments must be submitted, in writing, as provided in the **ADDRESSES** section of this document.

SUPPLEMENTARY INFORMATION: For further information on this action, pertaining to approval of AMS's delegation of authority for all hazardous air pollutant emission standards, as they apply to facilities required to obtain a Clean Air Act operating permit, and the hazardous air pollutant emission standards for perchloroethylene dry cleaning facilities, hard and decorative chromium electroplating and chromium anodizing tanks, ethylene oxide sterilizers, halogenated solvent cleaning and secondary lead smelters, as they apply to facilities not required to obtain a Clean Air Act operating permit (Clean Air Act section 112), please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication.

Dated: January 22, 2002.

Judith M. Katz,

Director, Air Protection Division, Region III.

[FR Doc. 02–2122 Filed 1–28–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[FRL–7130–6]

RIN 2060–AG12

Protection of Stratospheric Ozone: Removal of Restrictions on Certain Fire Suppression Substitutes for Ozone-Depleting Substances; and Listing of Substitutes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to remove restrictions that were previously imposed on the use of certain substitutes for ozone-depleting substances (ODSs) under the Significant New Alternatives Policy (SNAP) program. Specifically, EPA is proposing to remove restrictions on the use of certain substitutes for halon fire suppression and explosion protection agents that are used in the total flooding end-use. The Agency is also proposing to add a substitute, with restrictions on its use, to the list of fire suppression and explosion protection agents.

Elsewhere in today's **Federal Register**, EPA is taking these actions as a direct final rule without prior proposal because EPA views these as noncontroversial revisions and anticipates no adverse comments. A detailed rationale for this action is set forth in the preamble to the direct final rule.

If we receive no adverse comments and no requests for public hearing in response to these actions, we will take no further activity in relation to this rule. If EPA receives adverse comments or a request for public hearing, we will withdraw the direct final rule and review any comments in accordance with this proposal. If a public hearing is requested, EPA will provide notice in the **Federal Register** as to the location, date, and time. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by February 28, 2002.

ADDRESSES: Public comments and data specific to this action should be sent to Docket A–91–42, U.S. Environmental Protection Agency, OAR Docket and Information Center, 401 M Street, SW., Room M–1500, Mail Code 6102, Washington, DC 20460. The docket may be inspected between 8 a.m. and 5:30 p.m. on weekdays. Telephone (202) 260–7548; fax (202) 260–4400. As provided in 40 CFR part 2, a reasonable fee may be charged for photocopying. To expedite review, a second copy of the comments should be sent to Margaret Sheppard at the address listed below under **FOR FURTHER INFORMATION CONTACT**. Information designated as Confidential Business Information (CBI) under 40 CFR, part 2, subpart 2, must be sent directly to the contact person for this notice. However, the Agency is requesting that all respondents submit a non-confidential version of their comments to the docket as well.

FOR FURTHER INFORMATION CONTACT: Margaret Sheppard at (202) 564–9163 or fax (202) 565–2155, U.S. Environmental Protection Agency, Stratospheric Protection Division, Mail Code 6205J, Washington, DC 20460. Overnight or courier deliveries should be sent to the office location at 4th floor, 501 3rd Street, NW., Washington, DC, 20001. You also may contact the Stratospheric Protection Hotline at (800) 296–1996 or EPA's Ozone Depletion World Wide Web site at ''*http://www.epa.gov/ozone/title6/snap/*''.

SUPPLEMENTARY INFORMATION: See additional information, pertaining to this action, provided in the Direct Final action of the same title located in today's **Federal Register**.

I. EPA Proposal

EPA would remove restrictions that were imposed on the use of certain substitutes for ODSs under the SNAP program in the fire suppression and explosion protection industry sector. The regulations implementing the SNAP program are codified at 40 CFR part 82, subpart G. The appendices to subpart G list substitutes for ODSs that are unacceptable or that have restrictions imposed on their use. The revisions would modify the appendices to subpart G.

The direct final rule will be effective on April 1, 2002 without further notice unless we receive adverse comment (or a request for a public hearing) by February 28, 2002. If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that all or part of this rule will not take effect. EPA will address all public comments in a subsequent final rule based on this proposed rule. We will not institute a second public comment period on this action. Any parties interested in commenting must do so at this time.

You may claim that information in your comments is confidential business information, as allowed by 40 CFR part 2. If you submit comments and include information that you claim as confidential business information, we request that you submit them directly to Margaret Sheppard in two versions: one clearly marked ''Public'' to be filed in the public docket, and the other marked ''Confidential'' to be reviewed by authorized government personnel only.

II. Administrative Requirements

A. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector.

Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Section 204 of the UMRA requires the Agency to develop a process to allow elected state, local, and tribal government officials to provide input in the development of any proposal containing a significant Federal intergovernmental mandate.

Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Today's rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for

State, local, or tribal governments or the private sector. Because this rule imposes no enforceable duty on any State, local or tribal government it is not subject to the requirements of sections 202 and 205 of the UMRA. EPA has also determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments; therefore, EPA is not required to develop a plan with regard to small governments under section 203. Finally, because this rule does not contain a significant intergovernmental mandate, the Agency is not required to develop a process to obtain input from elected state, local, and tribal officials under section 204.

B. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether this regulatory action is significant and therefore subject to OMB review and the requirements of the Executive Order. The Order defines significant regulatory action as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, OMB notified EPA that it considers this a ''significant regulatory action'' within the meaning of the Executive Order and EPA submitted this action to OMB for review. Changes made in response to OMB suggestions or recommendations will be documented in the public record.

C. Paperwork Reduction Act

EPA has determined that this proposed rule contains no information requirements subject to the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, that are not already approved by the Office of Management and Budget (OMB). OMB has reviewed and approved two Information Collection Requests (ICRs) by EPA which are described in the March 18, 1994 rulemaking (59 FR 13044, at 13121, 13146–13147) and in the October 16, 1996 rulemaking (61 FR 54030, at 54038–54039). These ICRs included five types of respondent reporting and record-keeping activities pursuant to SNAP regulations: submission of a SNAP petition, filing a SNAP/TSCA Addendum, notification for test marketing activity, record-keeping for substitutes acceptable subject to narrowed use limits, and record-keeping for small volume uses. The OMB Control Numbers are 2060–0226 and 2060–0350.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

D. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 6, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.''

This proposed rule does not have tribal implications. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. This proposed rule will remove regulatory restrictions on the use of certain fire suppressants and replace them with a recommendation to use industry standards. These standards are typically already required by state or local fire codes, and this rule does not require tribal governments to change their regulations. Thus, Executive Order 13175 does not apply to this rule.

E. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et seq.

The RFA generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this proposed rule. EPA has also determined that this rule will not have a significant economic impact on a substantial number of small entities. For purposes of assessing the impact of today's rule on small entities, small entities are defined as (1) a small business that produces or uses fire suppressants as total flooding agents with 500 or fewer employees or total annual receipts of $5 million or less; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's proposed rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. Primarily, the rule removes regulatory restrictions on the use of most fire-suppressants used as total flooding agents and, instead, defers to the voluntary consensus standards set by the National Fire Protection Association. Thus, users of these substitutes are being relieved of regulatory constraints. For this action, EPA is also changing the listing of a substitute from acceptable subject to use

conditions to unacceptable. This agent, HBFC–22B1, was phased out of production more than five years ago, except for a few essential uses, because of its high ozone depletion potential. Later, the manufacturer withdrew it from the market because of its toxicity. Because this agent is generally unavailable and because of the potential liability associated with its toxic effects, EPA believes it is extremely unlikely that anyone is currently using this agent. We expect that listing this agent as an unacceptable substitute will have no significant impact on a substantial number of small entities. If anyone has information that small businesses are still using HBFC–22B1 and that there are impacts on those businesses that EPA should consider in making its decision, they should submit that information to EPA. With respect to EPA's decision on Halotron II, EPA is finding it acceptable for all uses requested by the manufacturer. Moreover, the manufacturer of the new fire suppressant, Halotron II, has not yet sold it, so today's action does not affect, in any way, current usage. For Envirogel, today's action removes the use conditions and narrowed use limit on Envirogel with one additive, while maintaining the existing narrowed use limit on Envirogel used with all other additives. Thus, EPA is removing several regulatory constraints on the current ability of any entity, including small entities, to use this substitute. In addition, today's rule prevents potential conflicts between EPA regulations and existing state, local and tribal fire code requirements that incorporate NFPA standards by referring to standards of the NFPA.

Although this proposed rule will not have a significant economic impact on a substantial number of small entities, EPA nonetheless has tried to reduce the impact of this rule on small entities. By introducing new substitutes and removing regulatory restrictions on a number of acceptable substitutes, today's rule gives additional flexibility to small entities that are concerned with fire suppression. EPA also has worked closely together with the National Fire Protection Association, which conducts regular outreach with, and involves small state, local, and tribal governments in developing and implementing relevant fire protection standards and codes.

F. Applicability of Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045: ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866 and because the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. The halocarbon and inert gas fire suppressants in this proposed rule are used primarily in commercial areas and the workplace. These are areas where we expect adults are more likely to be present than children, and thus, the agents do not put children at risk disproportionately. The Agency finds a fetal toxin, HCFC–22B1, unacceptable in today's action. However, because this agent is generally unavailable and because of the potential liability associated with its toxic effects, EPA believes it is extremely unlikely that anyone is currently using this agent. Therefore, our action on this chemical is not likely to change the risk to children. If there were any change, it would add further protection for children. The public is invited to submit or identify peer-reviewed studies and data, of which the Agency may not be aware, that assessed results of early life exposure to the halocarbon and inert gas agents addressed in today's proposed rule.

G. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law No. 104–113, Section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This rulemaking involves technical standards. EPA proposes to use the NFPA 2001 Standard on Clean Agent Fire Extinguishing Systems, 2000 edition, a voluntary consensus standard developed by the National Fire Protection Association (NFPA). You can obtain copies of this standard by calling the NFPA's order telephone number at 1–800–344–3555 and requesting order number S3–2003–00. The NFPA 2001 standard meets the objectives of the rule by setting scientifically-based guidelines for exposure to halocarbon and inert gas agents used to extinguish fires. In addition, EPA has worked extensively in consultation with OSHA to encourage development of technical standards to be adopted by voluntary consensus standards bodies.

H. Executive Order 13132 (Federalism)

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

This proposed rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This proposed rule will remove regulatory restrictions on the use of certain fire suppressants and replace them with a recommendation to use industry standards. These standards are typically already required by state or local fire codes, and this rule does not require state, local, or tribal governments to change their regulations. Thus, Executive Order 13132 does not apply to this rule.

I. Executive Order 13211 (Energy Effects)

This proposed rule is not a ''significant energy action'' as defined in Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply,

Distribution, or Use'' (66 FR 28355 (May 22, 2001)) because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Primarily, the proposed rule would remove regulatory restrictions on the use of most fire-suppressants used as total flooding agents and, instead, defers to a voluntary consensus standard. Thus, users of these substitutes are being relieved of regulatory constraints. In addition, the rule allows wider use of substitutes, providing greater flexibility for industry. For the one substitute not acceptable, EPA believes it is unlikely that anyone is currently using this agent because this agent is generally unavailable and because of the potential liability associated with its toxic effects. Further, we have concluded that this rule is not likely to have any adverse energy effects.

Authority: 42 U.S.C. 7414, 7601, 7671–7671q.

Dated: January 15, 2002.

Christine Todd Whitman,

Administrator.

[FR Doc. 02–1496 Filed 1–28–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 281

[FRL–7134–3]

South Carolina; Tentative Approval of State Underground Storage Tank Program

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; notice of tentative determination on application of state of South Carolina for final Approval, public hearing and public comment period.

SUMMARY: The State of South Carolina has applied for approval of its underground storage tank program for petroleum and hazardous substances under Subtitle I of the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed the South Carolina application and has made the tentative decision that South Carolina's underground storage tank program for petroleum and hazardous substances satisfies all of the requirements necessary to qualify for approval. The South Carolina application for approval is available for public review and comment. A public hearing will be held to solicit comments on the application, unless insufficient public interest is expressed.

DATES: A public hearing is scheduled for March 20, 2002, unless insufficient public interest is expressed. EPA reserves the right to cancel the public hearing if sufficient public interest is not communicated to EPA in writing by February 28, 2002. EPA will determine by March 5, 2002, whether there is significant interest to hold the public hearing. The State of South Carolina will participate in the public hearing held by EPA on this subject. Written comments on the South Carolina approval application, as well as requests to present oral testimony, must be received by the close of business on February 28, 2002.

ADDRESSES: Copies of the South Carolina approval application are available at the following addresses for inspection and copying:

South Carolina Bureau of Underground Storage Tank Management, 2600 Bull Street, Columbia, South Carolina 29201–1708, Telephone: (803) 898–4350, 8:00 am through 4:30 pm, Eastern Standard Time.

U.S. EPA Docket Clerk, Office of Underground Storage Tanks, c/o RCRA Information Center, 1235 Jefferson Davis Highway, Arlington, Virginia 22202, Telephone: (703) 603–9231, 9:00 am through 4:00 pm, Eastern Standard Time; and,

U.S. EPA Region 4, Underground Storage Tank Section, Atlanta Federal Center, 61 Forsyth Street, S.W., Atlanta, Georgia 30303, Telephone: (404) 562–9277, 8:00 am through 4:30 pm, Eastern Standard Time.

Written comments should be sent to Mr. John Mason, Chief of Underground Storage Tank Section, U.S. EPA Region 4, 61 Forsyth Street S.W., Atlanta, Georgia 30303, Telephone (404) 562–9441.

Unless insufficient public interest is expressed, EPA will hold a public hearing on the State of South Carolina's application for program approval on March 20, 2002, at 5:30 pm, Eastern Standard Time, at the South Carolina Department of Health and Environmental Control, Peebles Auditorium, 2600 Bull Street, Columbia, South Carolina 29201–1708. Anyone who wishes to learn whether or not the public hearing on the State's application has been cancelled should telephone the following contacts after March 5, 2002:

Mr. John Mason, Chief, Underground Storage Tank Section, U.S. EPA Region 4, 61 Forsyth Street, S.W., Atlanta, Georgia 30303, Telephone: (404) 562–9441, or

Mr. Stanley L. Clark, Chief, South Carolina Bureau of Underground Storage Tank Management, 2600 Bull Street, Columbia, South Carolina 29201–1708, Telephone: (802) 898–4350.

FOR FURTHER INFORMATION CONTACT: Mr. John Mason, Chief, Underground Storage Tank Section, U.S. EPA Region 4, Atlanta Federal Center, 61 Forsyth Street S.W., Atlanta, Georgia 30303, Telephone: (404) 562–9441.

SUPPLEMENTARY INFORMATION:

I. Background

Section 9004 of the Resource Conservation and Recovery Act (RCRA) authorizes EPA to approve State underground storage tank programs to operate in the State in lieu of the Federal underground storage tank (UST) program. Program approval may be granted by EPA pursuant to RCRA section 9004(b), if the Agency finds that the State program: (1) Is ''no less stringent'' than the Federal program for the seven elements set forth at RCRA section 9004(a)(1) through (7); (2) includes the notification requirements of RCRA section 9004(a)(8); and (3) provides for adequate enforcement of compliance with UST standards of RCRA section 9004(a). Note that RCRA sections 9005 (on information-gathering) and 9006 (on federal enforcement) by their terms apply even in states with programs approved by EPA under RCRA section 9004. Thus, the Agency retains its authority under RCRA sections 9005 and 9006, 42 U.S.C. 6991d and 6991e, and other applicable statutory and regulatory provisions to undertake inspections and enforcement actions in approved states. With respect to such an enforcement action, the Agency will rely on federal sanctions, federal inspection authorities, and federal procedures rather than the state authorized analogues to these provisions.

II. South Carolina

The State of South Carolina submitted their draft state program approval application to EPA by letter dated August 29, 1996. After reviewing the package, EPA submitted comments to the state for review. South Carolina submitted their complete state program approval application for EPA's tentative approval on January 7, 1999. Technical issues prevented EPA from accepting the final application until the FY2000 South Carolina legislative session rectified certain legal points.

South Carolina adopted Underground Storage Tank Control Regulations that became effective on May 24, 1985. On

March 23, 1990, the South Carolina General Assembly promulgated regulations for the operation and management of USTs and piping pursuant to the State Underground Petroleum Environmental Response Bank (SUPERB) Act. These regulations replaced the 1985 Underground Storage Tank Control Regulations. EPA has reviewed the South Carolina application, and has tentatively determined that the State's UST program for petroleum and hazardous substances meets all of the requirements necessary to qualify for final approval.

EPA will hold a public hearing on its tentative decision on March 20, 2002, unless insufficient public interest is expressed. The public may also submit written comments on EPA's tentative determination until February 28, 2002. Copies of the South Carolina application are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this document.

EPA will consider all public comments on its tentative determination received at the hearing, or received in writing during the public comment period. Issues raised by those comments may be the basis for a decision to deny final approval to South Carolina. EPA expects to make a final decision on whether or not to approve South Carolina's program within 60 days of the close of the public comment period, and will give notice of it in the **Federal Register**. EPA's final decision will include a summary of the reasons for the final determination and a response to all major comments.

III. Administrative Requirements

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year.

Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Today's rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local or tribal governments or the private sector. The UMRA generally excludes from the definition of ''Federal intergovernmental mandate'' duties that arise from participation in a voluntary Federal program. South Carolina's participation in EPA's state program approval process under RCRA Subtitle I is voluntary. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

In addition, EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. Although small governments may own and/or operate underground storage tanks, they are already subject to the regulatory requirements under the existing State requirements that EPA is now approving and, thus, are not subject to any additional significant or unique requirements by virtue of this action. Thus, the requirements of section 203 of the UMRA also do not apply to today's rule.

Reagulatory Flexibility Act (RFA) (as Amended by the Small Business Reagulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et seq.)

The RFA generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of today's action on small entities, small entity is defined as: (1) A small business as specified in the Small Business Administration regulations; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this action on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. This action does not impose any new requirements on small entities because small entities that own and/or operate underground storage tanks are already subject to the State underground storage tank requirements which EPA is now approving. This action merely approves for the purpose of RCRA section 9004 those existing State requirements.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of section 6 of Executive Order 12866.

Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the United States prior to publication of the rule in today's **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Compliance With Executive Order 13045 (Children's Health)

Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks,'' applies to any rule that: (1) The Office of Management and Budget determines is ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that

EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. This rule is not subject to Executive Order 13045 because it approves a state program.

Compliance With Executive Order 13132 (Federalism)

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

Under section 6 of Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This action does not have federalism implications. It will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it affects only one State. This action simply provides EPA approval of South Carolina's voluntary proposal for its State underground storage tank program to operate in lieu of the Federal underground storage tank program in that State. Thus, the requirements of section 6 of the Executive Order do not apply.

Compliance With Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments)

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 6, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the federal government and Indian tribes.''

This rule does not have tribal implications. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. South Carolina is not approved to implement the RCRA underground storage tank program in Indian country. This action has no effect on the underground storage tank program that EPA implements in the Indian country within the State. Thus, Executive Order 13175 does not apply to this rule.

Executive Order 13211 (Energy Effects)

This rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866.

National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law 104–113, 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This action does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, Federal agencies must consider the paperwork burden imposed by any information request contained in a proposed rule or a final rule. This rule will not impose any information requirements upon the regulated community.

List of Subjects in 40 CFR Part 281

Environmental protection, Administrative practice and procedure, Hazardous materials, State program approval, Underground storage tanks.

Authority: This document is issued under the authority of section 9004 of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: January 11, 2002.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 02–2123 Filed 1–28–02; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 98–67; FCC 01–371]

Telecommunications Services for Individuals With Hearing and Speech Disabilities; Recommended Telecommunications Relay Services Cost Recovery Guidelines; Request by Hamilton Telephone Company for Clarification and Temporary Waivers

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this *Further Notice of Proposed Rulemaking (Further NPRM)* the Federal Communications Commission (FCC or Commission) solicits additional comment on the recommendations submitted by the Interstate Telecommunications Relay Services (TRS) Advisory Council and the TRS Fund Administrator (Advisory Council and Fund Administrator, respectively) relating to the appropriate cost recovery mechanism for video relay services (VRS) as proposed in comments

to the recommendations. VRS allows individuals with hearing and speech disabilities who use sign language to communicate with voice telephones.

DATES: Comments due February 28, 2002. Reply comments due March 15, 2002.. Written comments by the public on the proposed information collections are due February 28, 2002. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed information collection(s) on or before April 1, 2002.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Room TW–B204F, Washington, DC 20554. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Pam Slipakoff, 202/418–7705, Fax 202/418–2345, TTY 202/418–0484, *pslipako@fcc.gov,* Network Services Division, Common Carrier Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Further Notice of Proposed Rulemaking, CC Docket No. 98–67, FCC 01–371 (Further NRPM),* adopted December 17, 2001 and released December 21, 2001. The full text of the *Further NRPM* is available for inspection and copying during the weekday hours of 9 a.m. to 4:30 p.m. in the FCC Reference Center, Room CY–A257, 445 12th Street, SW., Washington, DC 20554, or copies may be purchased from the Commission's copy contractor, Qualex International, 445 12th Street, SW., Suite CY–B402, Washington, DC 20554, phone (202) 863–2893.

This *Further NPRM* contains proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA). It has been submitted to the Office of Management and Budget (OMB) for review under the PRA. OMB, the general public, and other Federal agencies are invited to comment on the proposed information collections contained in this proceeding.

Paperwork Reduction Act Analysis

This *Further NPRM* contains a proposed information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection(s) contained in this *Further NPRM,* as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Public and agency comments are due at the same time as other comments on this *Further NPRM;* OMB notification of action is due 60 days from date of publication of this *Further NPRM* in the **Federal Register**. Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Control Number: 3060–0463.

Title: Telecommunications Services for Individuals with Hearing and Speech Disabilities and the Americans with Disabilities Act of 1990, 47 CFR part 64 (Sections 64.601–64.605).

Form No.: N/A.

Type of Review: Proposed Revision of Existing Collection.

Respondents: Business or other for-profit institutions.

Title: Report of interstate TRS minutes of use.

No. of respondents: 10.

Hours per response: 6.

Total annual burden: 60.

Total Annual Burden: 6 hours per respondent, 60 hours for all respondents. Estimate reflects burden for TRS reporting only.

Cost to Respondents: $0.

Needs and Uses: The Commission solicits public comment on, among other things, the data needed to be collected from the VRS service providers. The proposed data collections will be used to develop an effective and efficient cost recovery methodology for VRS.

Synopsis of the Further Notice of Proposed Rulemaking CC Docket No. 98–67

1. Title IV of the Americans with Disabilities Act of 1990 (ADA) requires Commission to ensure that TRS is available to the extent possible and in the most efficient manner to persons with hearing or speech disabilities in the United States. The Commission first ordered all carriers to provide TRS services nationwide on July 26, 1991. The rules for cost recovery were established in the *TRS Third Report and Order*, 58 FR 39671 (July 26, 1993). The Commission's rules require TRS providers to submit annually to the TRS Fund Administrator the data necessary to compute the TRS Fund requirements and payments. The administrator uses these data to develop formulas that are filed annually with the Commission. Payments to relay service providers are distributed based on the approved formulas. The compensation formulas are based on conversation minutes of use for completed interstate TRS calls.

2. On March 6, 2000, the Commission released the *Improved TRS Order*, 65 FR 38490 (June 21, 2000), which amended the rules governing the delivery of TRS by expanding the kinds of relay services available to consumers and by improving the quality of relay services. The *Improved TRS Order* permitted the recovery of VRS costs through the interstate TRS funding mechanism and directed the Advisory Council and the Fund Administrator to develop recommendations on how the compensation formula for each service should be structured. On November 9, 2000, the Advisory Council and the Fund Administrator submitted recommended guidelines outlining proposed cost recovery procedures for traditional TRS, STS, and VRS.

3. VRS allows a TRS user with a hearing and/or speech disability who uses sign language to communicate with a voice telephone user through video equipment installed at either the premises of the person with the disability or another appropriate location and at the relay center. The Commission's rules require that VRS CAs be qualified interpreters, defined as being able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. VRS is generally subject to the same mandatory minimum standards as TRS.

4. The Advisory Council and the Fund Administrator made the following recommendations for VRS cost recovery: (1) The TRS Center Data Request should be expanded to include specific VRS sections to capture the costs and minutes separately; (2) due to its unique characteristics, a separate reimbursement rate based on VRS cost and demand should be calculated; (3) providers should be reimbursed based on completed conversation minutes of use at a national average reimbursement rate; and (4) the same methodology for rate development in place today for traditional TRS interstate cost recovery could be used to develop the VRS reimbursement rate.

5. In the *Memorandum Opinion and Order* accompanying this *Further NPRM*, the Commission adopts the Advisory Council and the Fund Administrator's recommendations that the TRS Center Data Request should be expanded to include specific sections to

capture the costs and minutes for VRS separately and that a separate reimbursement rate based on VRS cost and demand should be calculated. The Commission declines to adopt the Advisory Council and the Fund Administrator's recommendations to use, on a permanent basis, the same methodology for rate development in place today for traditional TRS interstate cost recovery to develop a VRS reimbursement rate, and the recommendation to reimburse providers (based on completed conversation minutes of use) at a national average reimbursement rate. The Commission nevertheless directs the TRS administrator to ensure that providers are able to recover their fair costs related to providing VRS by establishing an interim VRS cost recovery rate using the average per minute compensation methodology used for traditional TRS. The Commission now seeks further comment on what VRS cost recovery mechanism should be established on a permanent basis.

6. In this *Further NPRM*, the Commission solicits additional comment on the appropriate cost recovery mechanism for VRS. Because the commenters' proposals are not sufficiently detailed for the Commission to act, the Commission seeks additional comment on these proposals, and any other proposals relating to VRS cost recovery. Specifically, the Commission requests comment on the proposal that VRS compensation be a monthly flat charge based on a fixed number of conversation minutes investment in VRS. The Commission also seeks comment on whether it would be feasible to combine flat-rate and usage-based methodologies to obtain the benefits of both. Parties are also encouraged to propose other compensation plans.

Initial Regulatory Flexibility Analysis

7. As required by the Regulatory Flexibility Act (RFA), the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in *Further NPRM*. 5 U.S.C. 603. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the *Further NPRM.* The Commission will send a copy of the *Further NPRM*, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). 5 U.S.C. 603(a).

Need for, and Objectives of, the Proposed Rules

8. The Commission is issuing this document to seek further comment on the recommended cost recovery guidelines for VRS filed by the Advisory Council and the Fund Administrator on November 9, 2000. The Advisory Council and the Fund Administrator made the following four recommendations with respect to VRS cost recovery: (1) The same methodology for rate development in place today for traditional TRS interstate cost recovery could be used to develop the VRS reimbursement rate; (2) providers should be reimbursed based on completed conversation minutes at a national average reimbursement rate; (3) the TRS Center Data Request should be expanded to include specific VRS sections to capture VRS costs and demand separately; and (4) due to its unique characteristics, a separate reimbursement rate based on VRS costs and demand should be calculated.

Legal Basis

9. The proposed action is authorized under §§ 64.603, and 64.604 of the Commission's Rules, 47 CFR 64.603, 64.604, and sections 1, 2, 4, 225, 255, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154, 225, 255, 303(r).

Description and Estimate of the Number of Small Entities To Which the Proposed Rules Will Apply

10. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. 5 U.S.C. 603(a)(3). The RFA defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' 5 U.S.C. 601(6). In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. 5 U.S.C. 601(3). Pursuant to the RFA, the statutory definition of a small business applies ''unless an agency, after consultation with the Office of Advocacy of the SBA and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**.'' 5 U.S.C. 601(3). A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA. 15 U.S.C. 632. The Commission notes that any small entities affected by any action proposed herein, should not be adversely affected. Furthermore, like all other entities affected, this action will aid small businesses by allowing them to recover costs for providing relay services. Below, the Commission further describes and estimates the number of small entity licensees and regulatees that may be affected by these proposals.

11. The most reliable source of information regarding the total numbers of certain common carrier and related providers nationwide, as well as the numbers of commercial wireless entities, appears to be data the Commission publishes annually in its Telecommunications Industry Revenue report, regarding TRS.

12. TRS Providers. Neither the Commission nor the SBA has developed a definition of ''small entity'' specifically applicable to providers of telecommunications relay services (TRS). The closest applicable definition under the SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. The SBA defines such establishments to be small businesses when they have no more than 1,500 employees. According to the FCC's most recent data, there are approximately 12 interstate TRS providers, which consist of interexchange carriers, local exchange carriers, state-managed entities, and non-profit organizations. Approximately five or fewer of these entities are small businesses according to the National Association for State Relay Administration (NASRA). These numbers are estimates because of recent and pending mergers and partnerships in the telecommunications industry. The FCC notes that these providers include several large interexchange carriers and incumbent local exchange carriers. Some of these large carriers may only provide TRS service in a small area but they nevertheless are not small business entities. MCI, for example, provides relay service in approximately only 3 states but is not a small business. Consequently, the FCC estimates that there are fewer than 5 small TRS providers that may be affected by the proposed rules, if adopted.

13. Wireline Carriers and Service Providers. The SBA has developed a definition of small entities for telephone communications companies except radiotelephone (wireless) companies. The Census Bureau reports that there were 2,321 such telephone companies in operation for at least one year at the end of 1992. According to the SBA's definition, a small business telephone company other than a radiotelephone

company is one employing no more than 1,500 persons. All but 26 of the 2,321 non-radiotelephone companies listed by the Census Bureau were reported to have fewer than 1,000 employees. Thus, even if all 26 of those companies had more than 1,500 employees, there would still be 2,295 non-radiotelephone companies that might qualify as small entities or small incumbent local exchange carriers (LECs). The FCC does not have data specifying the number of these carriers that are not independently owned and operated, and thus are unable at this time to estimate with greater precision the number of wireline carriers and service providers that would qualify as small business concerns under the SBA's definition. Consequently, the FCC estimates that fewer than 2,295 small telephone communications companies other than radiotelephone companies are small entities or small incumbent LECs.

14. The Commission has included small incumbent LECs in this present RFA analysis. As noted above, a ''small business'' under the RFA is one that, inter alia, meets the pertinent small business size standard, and ''is not dominant in its field of operation.'' 15 U.S.C. 632. The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent LECs are not dominant in their field of operation because any such dominance is not ''national'' in scope. The Commission has therefore included small incumbent LECs in this RFA analysis, although the Commission emphasizes that this RFA action has no effect on FCC analyses and determinations in other, non-RFA contexts.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

15. The proposed cost recovery measures may require additional recordkeeping requirements imposed for VRS. These costs, however, should be minimal because the tracking procedures are similar to those already in place for traditional TRS. In addition, these recordkeeping measures will promote more efficient service and allow the TRS providers to be reimbursed more accurately for their costs, thus negating any minimal costs imposed by these requirements. In addition, the Commission does not expect these costs to burden small entities any more than large entities because the costs are part of the reimbursement process and will allow all providers to be accurately reimbursed and develop effective methods of providing VRS. Furthermore, the FCC tentatively concludes that the proposals in this document would impose minimum burdens on small entities. The FCC seeks comment on these tentative conclusions.

Steps Taken To Minimize Significant Impact on Small Entities, and Significant Alternatives Considered

16. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives: (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities. 5 U.S.C. 603(c). The Commission has tentatively concluded that the proposed guidelines will have minimal, if any, adverse economic impact on small entities because they are designed to allow all providers to be accurately reimbursed.

17. The Commission is issuing this *Further NPRM* to seek additional comment on the cost recovery methodology for VRS, which is a relatively new service offering. Commenters believe that VRS will require a substantially higher initial capital expenditure than traditional TRS and that a per minute reimbursement rate may not allow them to recover that expenditure. Commenters propose that, for the present time, VRS compensation be based on a flat monthly payment for an assumed number of minutes rather than the completed conversation minutes of use at a national average reimbursement rate. Once VRS generates sufficient monthly use, however, the flat monthly payment could be abandoned for the completed conversation minutes methodology suggested by the Advisory Council and the Fund Administrator. These proposals, however, are not sufficiently detailed for the Commission implement a cost recovery scheme. Thus, the Commission now seeks further comment on what VRS cost recovery mechanism should be established on a permanent basis.

18. The Commission has set forth the proposed rule primarily for the purpose of generating comment. At this time, the Commission has not tentatively concluded that any of the proposals provided should be adopted. To the contrary, the purpose of this *Further NPRM* is to seek comments and proposals to develop the most effective method of cost recovery for VRS. Thus, the Commission is receptive of comments proposing alternatives to the ones provided by the Advisory Council and Fund Administrator and commenters. If comments received indicate that smaller entities may be impacted differently or adversely affected by the proposed rules or any alternative proposals, the Commission will seek alternatives that will prevent such an impact.

Federal Rules That May Duplicate, or Conflict With the Proposed Rules

19. None.

Report to Congress

20. The Commission will send a copy of this *Further NPRM*, including a copy of this IRFA, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996. In addition, the *Further NPRM* and this IRFA will be sent to the Chief Counsel for Advocacy of the Small Business Administration, and will be published in the **Federal Register**.

Ordering Clauses

21. Pursuant to the authority contained in § 64.604 of the Commission's Rules, 47 CFR 64.604, and in sections 1, 2, 4, 225, 255 and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154, 225, 255, 303(r) that this *Further Notice of Proposed Rulemaking* is hereby *Adopted.*

22. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., Washington, DC 20554, or via the Internet to *jboley@fcc.gov*, and to Edward C. Springer, OMB Desk Officer, 10236 NEOB, 725–17th Street, NW., Washington, DC 20503 or via the Internet to *Edward.Springer@omb.eop.gov.* For additional information concerning the information collection(s) contained in this document, contact Judy Boley at 202–418–0214, or via the Internet at *jboley@fcc.gov.*

23. The Commission's Consumer Information Bureau, Reference Information Center, *shall send* a copy of this *Further Notice of Proposed Rulemaking*, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of Small Business Administration.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. 02–1981 Filed 1–28–02; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF DEFENSE

48 CFR Parts 208, 239, 251, and 252

[DFARS Case 2000–D023]

Defense Federal Acquisition Regulation Supplement; Enterprise Software Agreements

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to add policy pertaining to the use of enterprise software agreements for the acquisition of commercial software and software maintenance.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before April 1, 2002, to be considered in the formation of the final rule.

ADDRESSES: Respondents may submit comments directly on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm.* As an alternative, respondents may e-mail comments to: *dfars@acq.osd.mil.* Please cite DFARS Case 2000–D023 in the subject line of e-mailed comments.

Respondents that cannot submit comments using either of the above methods may submit comments to: Defense Acquisition Regulations Council, Attn: Ms. Susan Schneider, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062; facsimile (703) 602–0350. Please cite DFARS Case 2000–D023.

At the end of the comment period, interested parties may view public comments on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf.*

FOR FURTHER INFORMATION CONTACT: Ms. Susan Schneider, (703) 602–0326. Please cite DFARS Case 2000–D023.

SUPPLEMENTARY INFORMATION:

A. Background

This proposed rule adds a new DFARS Subpart 208.74 to address the use of enterprise software agreements for the acquisition of commercial software and software maintenance in accordance with the DoD Enterprise Software Initiative. This initiative promotes the use of enterprise software agreements with contractors that allow DoD to obtain favorable terms and pricing for commercial software and related services. Associated DFARS changes are made in parts 208, 239, 251, and 252.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

The proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because most enterprise software agreements are blanket purchase agreements established under Federal Supply Schedules. Establishment of such agreements is already permitted by section 8.404(b)(4) of the Federal Acquisition Regulation. Therefore, an initial regulatory flexibility analysis has not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subparts also will be considered in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2000–D023 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 208, 239, 251, and 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, DoD proposes to amend 48 CFR Parts 208, 239, 251, and 252 as follows:

1. The authority citation for 48 CFR Parts 208, 239, 251, and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 208—REQUIRED SOURCES OF SUPPLIES AND SERVICES

2. Section 208.001 is amended by revising paragraph (a)(1)(v) to read as follows:

208.001 Priorities for use of Government supply sources.

(a)(1)(v) See Subpart 208.70, Coordinated Acquisition, and Subpart 208.74, Enterprise Software Agreements.

* * * * *

3. Subpart 208.74 is added to read as follows:

Subpart 208.74—Enterprise Software Agreements

Sec.
208.7400 Scope of subpart.
208.7401 Definitions.
208.7402 General.
208.7403 Acquisition procedures.

208.7400 Scope of subpart.

This subpart prescribes policy and procedures for acquisition of commercial software and software maintenance, including software and software maintenance that is acquired—

(a) As part of a system or system upgrade;

(b) Under a service contract;

(c) Under a contract administered by another agency;

(d) Under an interagency agreement; or

(e) By a contractor that is authorized to order from a Government supply source pursuant to FAR 51.101.

208.7401 Definitions.

As used in this subpart—

Enterprise software agreement means a blanket purchase agreement or a contract that is used to acquire designated commercial software or related services such as software maintenance.

Enterprise Software Initiative means an initiative led by the DoD Chief Information Officer to develop processes for DoD-wide software asset management.

Golden Disk means a purchased license or entitlement to distribute an unlimited or bulk number of copies of software throughout DoD.

Software product manager means the person who manages an enterprise software agreement.

208.7402 General.

Departments and agencies must fulfill requirements for commercial software and related services, such as software maintenance, in accordance with the DoD Enterprise Software Initiative (ESI). ESI promotes the use of enterprise software agreements (ESA) with contractors that allow DoD to obtain favorable terms and pricing for commercial software and related services.

208.7403 Acquisition procedures.

(a) Requiring officials must obtain commercial software rights or

maintenance from available existing DoD inventories (e.g.; Golden Disks and DoD-wide software maintenance agreements) before proceeding with an acquisition. DoD inventories and other ESI information are listed on the ESI website at http://www.don-imit.navy.mil/esi.

(b) If the required commercial software or related service is not in the DoD inventory, or not on an ESA, the contracting officer or requiring official may fulfill the requirement by other means. Existing ESAs are listed on the ESI website.

(c) If the commercial software or related service is on an ESA, the contracting officer or requiring official must review the terms and conditions and prices.

(d) If an ESA's terms and conditions and prices represent the best value to the Government, the contracting officer or the requiring official must fulfill the requirement for supplies or services through the ESA.

(e) If existing ESAs do not represent the best value to the Government, the software product manager (SPM) must be given an opportunity to provide the same or a better value to the Government under the ESAs before the contracting officer or requiring official may continue with alternate acquisition methods.

(1) The contracting officer or requiring official must notify the SPM of specific concerns about existing ESA terms and conditions or prices through the ESI webpage.

(2) The SPM will consider adjusting the ESA terms and conditions or prices to reflect ''most favored customer'' status.

(i) Within 3 working days, the SPM will—

(A) Update the ESA;

(B) Provide an estimated date by which the update will be accomplished; or

(C) Inform the contracting officer or requiring official that no change will be made to the ESA.

(ii) If the SPM informs the contracting officer or requiring official that no change will be made to the ESA terms and conditions or prices, the contracting officer or requiring official may obtain the requirement by other means.

(iii) If the SPM does not respond within 3 working days or does not plan to adjust the ESA within 90 days, the contracting officer or requiring official may fulfill the requirement by other means.

(3) A management official designated by the department or agency may waive the requirement to obtain commercial software or related services through an ESA after the steps in paragraphs (e)(1) and (e)(2)(i) of this section are complete.

PART 239—ACQUISITION OF INFORMATION TECHNOLOGY

4. Subpart 239.1 is added to read as follows:

Subpart 239.1—General

Sec.
239.101 Policy.

239.101 Policy.

See Subpart 208.74 when acquiring commercial software or software maintenance.

PART 251—USE OF GOVERNMENT SOURCES BY CONTRACTORS

5. Section 251.102 is amended as follows:

a. By revising paragraph (f);

b. In Table 51–1, by revising paragraph 1., and by adding paragraph 2.c. to read as follows:

251.102 Authorization to use Government supply sources.

* * * * *

(f) The authorizing agency is also responsible for promptly considering requests of the DoD supply source for authority to refuse to honor requisitions from a contractor that is indebted to DoD and has failed to pay proper invoices in a timely manner.

Table 51–1, Authorization To Purchase From Government Supply Sources

* * * * *

1. You are hereby authorized to use Government sources in performing Contract No. _____ for *[insert applicable military department or defense agency]*, as follows: *[Insert applicable purchasing authority given to the contractor.]*

2. * * *

c. Enterprise Software Initiative. Place orders in accordance with the terms and conditions of the attached Enterprise Software Agreement(s), or instructions for obtaining commercial software or software maintenance from Enterprise Software Initiative inventories, and this authorization. Attach a copy of this authorization to the order (unless a copy was previously furnished to the Enterprise Software Agreement contractor).

Insert the following statement in the order:

This order is placed under written authorization from _____ dated _____(*_____). In the event of any inconsistency between the terms and conditions of this order, and those of the Enterprise Software Agreement, the latter will govern.

* * * * *

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

6. Section 252.251–7000 is amended as follows:

a. By revising the clause date and paragraph (a); and

b. In paragraph (d)(4) in the last sentence by removing ''Such'' and adding in its place ''The''.

252.251–7000 Ordering From Government Supply Sources.

* * * * *

Ordering From Government Supply Sources (XXX 2002)

(a) When placing orders under Federal Supply Schedules, Personal Property Rehabilitation Price Schedules, or Enterprise Software Agreements, the Contractor shall follow the terms of the applicable schedule or agreement and authorization. Include in each order:

(1) A copy of the authorization (unless a copy was previously furnished to the Federal Supply Schedule, Personal Property Rehabilitation Price Schedule, or Enterprise Software Agreement contractor).

(2) The following statement:

This order is placed under written authorization from _____ dated _____. In the event of any inconsistency between the terms and conditions of this order and those of your Federal Supply Schedule contract, Personal Property Rehabilitation Price Schedule contract, or Enterprise Software Agreement, the latter will govern.

(3) The completed address(es) to which the Contractor's mail, freight, and billing documents are to be directed.

* * * * *

[FR Doc. 02–2058 Filed 1–28–02; 8:45 am]

BILLING CODE 5001–08–U

Notices

Federal Register

Vol. 67, No. 19

Tuesday, January 29, 2002

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Advisory Committee on Biotechnology and 21st Century Agriculture; Nominations

AGENCY: Office of the Under Secretary, Research, Education, and Economics, USDA.

ACTION: Advisory Committee on Biotechnology and 21st Century Agriculture; nominations.

SUMMARY: The Agricultural Research Service is requesting nominations for qualified persons to serve as members of the Secretary's Advisory Committee on Biotechnology and 21st Century Agriculture (ACBTCA).

DATES: Written nominations must be received by fax or postmarked on or before February 28, 2002.

ADDRESSES: All nomination materials should be sent to Michael Schechtman, Designated Federal Official, Office of the Deputy Secretary, USDA, 202B Jamie L. Whitten Federal Building, 14th and Independence Avenue, SW, Washington, DC 20250. Forms may also be submitted by fax to (202) 690–4265.

FOR FURTHER INFORMATION CONTACT: Questions should be addressed to Michael Schechtman, Designated Federal Official, telephone (202) 720–3817; fax (202) 690–4265; email *mschechtman@ars.usda.gov.* To obtain form AD–755 ONLY please contact Vanessa Simon, Office of Pest Management Policy, telephone (202) 690–8647, fax (202) 690–4265; email *vsimon@ars.usda.gov.*

SUPPLEMENTARY INFORMATION:

Advisory Committee Purpose: USDA supports the responsible development and application of biotechnology within the global food and agricultural system. Biotechnology intersects many of the policies, programs and functions of USDA. The charge for the ACBCTA shall be two-fold: to examine the long-term impacts of biotechnology on the U.S. food and agriculture system and USDA; and to provide guidance to USDA on pressing individual issues, identified by the Office of the Secretary, related to the application of biotechnology in agriculture. The ACBTCA replaces the USDA Advisory Committee on Agricultural Biotechnology. The ACBTCA will meet in Washington, DC, up to four (4) times per year.

Membership: Members of the ACBTCA should have recognized expertise in one or more of the following areas: recombinant-DNA (rDNA) research and applications using plants; rDNA research and applications using animals; rDNA research and applications using microbes; food science; silviculture and related forest science; fisheries science; ecology; veterinary medicine; the broad range of farming or agricultural practices; weed science; plant pathology; biodiversity; applicable laws and regulations relevant to agricultural biotechnology policy; risk assessment; consumer advocacy and public attitudes; public health/epidemiology; ethics, including bioethics; human medicine; biotechnology industry activities and structure; intellectual property rights systems; and international trade. Members will be selected by the Secretary of Agriculture in order to achieve a balanced representation of viewpoints to address effectively USDA biotechnology policy issues under consideration.

Nominations for ACBTCA membership must be in writing and provide the appropriate background documents required by USDA policy, including background disclosure form AD–755. Neither the form nor the information it contains may be released to the public, except as authorized by law.

No member may serve on the ACBTCA for more than six consecutive years. Nominees will initially serve for terms of 1 or 2 years for purposes of continuity.

Members of the ACBTCA and its subcommittees shall serve without pay, but with reimbursement of travel expenses and per diem for attendance at ACBTCA and subcommittee functions for those ACBTCA members who require assistance in order to attend the meetings. While away from home or their regular place of business, those members will be eligible for travel expenses paid by REE, USDA, including per diem in lieu of subsistence, at the same rate as a person employed intermittently in the government service is allowed under Section 5703 of Title 5, United States Code.

Submitting Nominations: Nominations should be typed and include the following:

1. A brief summary of no more than two (2) pages explaining the nominee's suitability to serve on the ACBTCA.
2. A resume or curriculum vitae.
3. A completed copy of form AD–755.

Nominations should be sent to Michael Schechtman at the address listed above, and be post marked no later than February 28, 2002.

USDA is actively soliciting nominations of qualified minorities, women, persons with disabilities and members of low income populations. To ensure that recommendations of the ACBTCA take into account the needs of underserved and diverse communities served by the USDA, membership shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

Dated: January 18, 2002.

Joseph Jen,

Under Secretary for Research, Education and Economics.

[FR Doc. 02–2135 Filed 1–28–02; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 01–047N]

Codex Alimentarius Commission: 34th Session of the Codex Committee on Food Additives and Contaminants

AGENCY: Office of the Under Secretary for Food Safety, USDA.

ACTION: Notice of public meeting, request for comments.

SUMMARY: The Office of the Under Secretary for Food Safety, U.S. Department of Agriculture (USDA), and the Food and Drug Administration (FDA), are sponsoring a public meeting on February 4, 2002, to provide information and receive public

comments on agenda items that will be discussed at the meeting of the Codex Committee on Food Additives and Contaminants (CCFAC), which will be held in Rotterdam, The Netherlands, on March 11–15, 2002. The Under Secretary and FDA recognize the importance of providing interested parties the opportunity to obtain background information on the Thirty-fourth Session of the Additives and Contaminants Committee of the Codex Alimentarius Commission (Codex) and to address items on the Agenda for the 34th CCFAC.

DATES: The public meeting is scheduled for Monday, February 4th, 2002, from 1 p.m. to 4 p.m.

ADDRESSES: The public meeting will be held in Room 1409, FOB 8, 200 C. St. SW., Washington, DC. To receive copies of the documents referenced in the notice contact the FSIS Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, Room 102, Cotton Annex, 300 12th Street, SW, Washington, DC 20250–3700. The documents will also be accessible via the World Wide Web at the following address: *http://www.codexalimentarius.net/ccfac34/fa02—01e.htm.* If you have comments, please send an original and two copies to the FSIS Docket Room, Docket #01–047N. All comments submitted will be available for public inspection in the Docket Clerk's Office between 8:30 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Patrick J. Clerkin, Associate U.S. Manager for Codex, U.S. Codex Office, FSIS Room 4861, South Building, 1400 Independence Avenue S.W., Washington, DC 20250–3700, telephone: (202) 205–7760, Fax: (202) 720–3157. Persons requiring a sign language interpreter or other special accommodations should notify Mr. Patrick J. Clerkin at the above telephone number.

SUPPLEMENTARY INFORMATION:

Background

Codex was established in 1962 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Codex is the major international organization for protecting the health and economic interests of consumers and encouraging fair international trade in food. Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to ensure that the world's food supply is sound, wholesome, free from adulteration, and correctly labeled. In the United States, USDA, FDA, and EPA manage and carry out U.S. Codex activities.

The Codex Committee on Food Additives and Contaminants establishes or endorses maximum or guideline levels for individual food additives, for contaminants (including environmental contaminants) and for naturally occurring toxicants in foodstuffs and animal feeds. In addition, the Committee prepares priority lists of food additives and contaminants for toxicological evaluation by the Joint FAO/WHO Expert Committee on Food Additives; recommends specifications of identity and purity for food additives for adoption by the Commission; considers methods of analysis and sampling for the determination of food additives and contaminants in food; and considers and elaborates standards or codes for related subjects such as the labelling of food additives when sold as such, and food irradiation. The Committee is chaired by The Netherlands.

Issues To Be Discussed at the Public Meeting

The provisional agenda items will be discussed during the public meeting:

1. Adoption of the Agenda (CX/FAC 02/1)
2. Matters referred by the Codex Alimentarius Commission and other Codex Committees (CX/FAC 02/2)
3. Summary Report of the 57th Meeting of the Joint FAO/WHO Expert Committee on Food Additives (JECFA)
4. Action Required as a Result of Changes in ADI Status and other Toxicological Recommendations (CX/FAC 02/3)
5. Discussion Paper on the Application of Risk Analysis Principles for Food Additives and Contaminants (CX/FAC 02/4)

Food Additives

1. Endorsement and/or Revision of Maximum Levels for Food Additives in Codex Standards (CX/FAC 02/5)
2. Discussion Paper on the Relationship Between Codex Commodity Standards and the Codex General Standard for Food Additives, including Consideration of the Food Category System (CX/FAC 02/6)
3. Consideration of the Codex General Standard for Food Additives (GSFA) (CX/FAC 02/7 and CX/FAC 02/8)
4. Discussion Paper on the Processing Aids and Carriers (CX/FAC 02/9)
5. Discussion Paper on the Use of Active Chlorine (CX/FAC 02/10)
6. Draft Revised Codex General Standard for Irradiated Foods (CX/FAC 02/11)
7. Proposed Draft Revised Recommendation for International Code of Practice for Radiation Processing of Food (CX/FAC 02/12)
8. Specifications for the Identity and Purity of Food Additives Arising from the 57th JECFA Meeting (CX/FAC 02/13)
9. Proposed Amendments to the International Numbering System (CX/FAC 02/14)

Contaminants

1. Endorsement and/or Revision of Maximum Levels for Contaminants in Codex Standards (CX/FAC 02/15)
2. Codex General Standard for Contaminants and Toxins in Foods (CX/FAC 02/16)
3. Proposed Draft Principles for Exposure Assessment of Contaminants and Toxins in Foods (CX/FAC 02/17)
4. Mycotoxins in Food and Feed
   (a) Draft Maximum Levels for Ochratoxin A in Wheat, Barley and Rye and Derived Products (CX/FAC 02/18)
   (b) Draft Maximum levels for Patulin in Apple Juice and Apple Juice Ingredients in Other Beverages (CX/FAC 02/19)
   (c) Proposed Draft Code of Practice for the Prevention of Patulin Contamination in Apple Juice and Apple Juice Ingredients in Other Beverages (CX/FAC 02/20)
   (d) Proposed Draft Code of Practice for the Prevention of Mycotoxin Contamination in Cereals, Including Annexes on Ochratoxin A, Zearalenone, Fumonisin and Tricothecenes (CX/FAC 02/21)
   (e) Discussion Paper on Aflatoxins in Pistachios (CX/FAC 02/22)
5. Industrial and Environmental Contaminants in Foods
   (a) Draft Maximum Levels for Lead in Fish, Crustaceans, and Bivalve Molluscs (CX/FAC 01/23)
   (b) Proposed Draft Maximum Levels for Cadmium (CX/FAC 01/24)
   (c) Proposed Draft Maximum Levels for Tin (CX/FAC 02/25)
   (d) Position Paper on Dioxins and Dioxin Like PCBs, including Methods of Analysis (CX/FAC 02/26)
   (e) Proposed Draft Code of Practice for Source Directed Measures to Reduce Dioxin and Dioxin Like PCB Contamination of Foods (CX/FAC 02/27)
   (f) Position Paper on Chloropropanols (CX/FAC 02/28)
   (g) Discussion Paper on Dexoynivalenol (CX/FAC 02/29)

General Issues

1. Proposals for Priority Evaluation of Food Additives and Contaminants by JECFA (CX/FAC 02/30)
2. Other Business and Future Work

(a) Comments on Methods of Analysis and Sampling for the Determination of Food Additives and Contaminants in Foods (CX/FAC 02/31)

Each issue listed will be fully described in documents distributed, or to be distributed, by The Netherlands' Secretariat to the Meeting. Members of the public may access or request copies of these documents (see **ADDRESSES**).

Public Meeting

At the February 4th public meeting, the agenda items will be described, discussed, and attendees will have the opportunity to pose questions and offer comments. Comments may be sent to the FSIS Docket Room (see **ADDRESSES**). Written comments should state that they relate to activities of the 34th CCFAC.

Additional Public Notification

Pursuant to Departmental Regulation 4300–4, ''Civil Rights Impact Analysis,'' dated September 22, 1993, FSIS has considered the potential civil rights impact of this notice on minorities, women, and persons with disabilities. Therefore, to better ensure that these groups and others are made aware of this meeting, FSIS will announce it and provide copies of the **Federal Register** publication in the FSIS Constituent Update.

The Agency provides a weekly FSIS Constituent Update, which is communicated via fax to over 300 organizations and individuals. In addition, the update is available on line through the FSIS web page located at *http://www.fsis.usda.gov*. The update is used to provide information regarding Agency policies, procedures, regulations, **Federal Register** Notices, FSIS public meetings, recalls and any other types of information that could affect or would be of interest to our constituents/stakeholders. The constituent fax list consists of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals and other individuals that have requested to be included. Through these various channels, the Agency is able to provide information with a much broader, more diverse audience.

For more information and to be added to the constituent fax list, fax your request to the Office of Congressional and Public Affairs, at (202) 720–5704.

Done at Washington, DC on: January 23, 2002.

F. Edward Scarbrough,

U.S. Manager for Codex Alimentarius.

[FR Doc. 02–2134 Filed 1–28–02; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Notice of Proposed Change to Section IV of the Field Office Technical Guide (FOTG) of the Natural Resources Conservation Service in Louisiana

AGENCY: Natural Resources Conservation Service (NRCS), Department of Agriculture.

ACTION: Notice of availability of proposed changes in the NRCS National Handbook of Conservation Practices for review and comment.

SUMMARY: It is the intention of the NRCS in Louisiana to issue revised conservation practice standard: Deep Tillage (324), Conservation Cover (327), Conservation Crop Rotation (328), Cover Crop (340), Residue Management, Seasonal (344), Field Border (386), Riparian Forest Buffer (391), Filter Strip (393), Pest Management (595), and Wetland Enhancement (659).

DATES: Comments will be received for a 30-day period commencing with this date of publication.

FOR FURTHER INFORMATION CONTACT: Inquire in writing to Donald W. Gohmert, State Conservationist, Natural Resources Conservation Service (NRCS), 3737 Government Street, Alexandria, Louisiana 71302. Copies of the practice standards will be made available upon written request.

SUPPLEMENTARY INFORMATION: Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 states that revisions made after enactment of the law to NRCS State Technical Guides used to carry out highly erodible land and wetland provisions of the law shall be made available for public review and comment. For the next 30 days the NRCS in Louisiana will receive comments relative to the proposed changes. Following that period a determination will be made by the NRCS in Louisiana regarding disposition of those comments and a final determination of change will be made.

Dated: January 7, 2002.

Donald W. Gohmert,

State Conservationist, USDA, Natural Resources Conservation Service, Alexandria, Louisiana 71302.

[FR Doc. 02–2136 Filed 1–28–02; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Producing Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration (EDA), Commerce.

ACTION: To give all interested parties an opportunity to comment. Petitions have been accepted for filing on the dates indicated from the firms listed below.

LIST OF PETITION ACTION BY TRADE ADJUSTMENT ASSISTANCE FOR PERIOD DECEMBER 21, 2001—JANUARY 15, 2002

Firm name	Address	Date petition accepted	Product
ASI Technologies, Inc	405 Caaredean Dr. Horsham, PA 19044	12/21/01	Acid free uncoated paper sheets.
Pulp and Paper of America, L.L.C	650 Main Street Berlin, NH 035570	12/26/01	Gear drives used in the health care industry for wheel chairs and scooters.
Jananna Foods, Inc	1900 East Highway 31 Kilgore, TX 75663	12/27/01	Salsa.
Beehler Corporation	1401 Industrial Park Drive Mountain Grove, MO 65711.	12/28/01	Metal hardware, steel luggage clasps, hinges and case brackets.
Claude Howard Lumber Co., Inc	600 Park Avenue Statesboro, GA 30459	01/02/02	Lumber.
Dlugosh Store Fixtures, Inc	900 Aladdin Avenue San Leandro, CA 94577.	01/02/02	Custom store fixtures.
DiCicco Nurseries, Inc. d.b.a. Watsonville Nurseries.	110 Whiting Road Watsonville, CA 95076	01/02/02	Roses.

LIST OF PETITION ACTION BY TRADE ADJUSTMENT ASSISTANCE FOR PERIOD DECEMBER 21, 2001—JANUARY 15, 2002—Continued

Firm name	Address	Date petition accepted	Product
Hollywood Plastics Engineering Company	620 Arroyo Avenue San Fernando, CA 91340.	01/02/02	Plastic injection molding of precision parts, i.e., hypodermic syringes and specially knives.
Rigidized Metals Corporation	658 Ohio Street Buffalo, NY 14203	01/15/02	Textures metal sheets.
Dinosaw, Inc	340 Hudson Avenue Hudson, NY 12534	01/15/02	Cutting tools servicing the wood, plastic and metal cutting industries.

The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (19 U.S.C. 2341). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by Trade Adjustment Assistance, Room 7315, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance.

Dated: January 18, 2002.

Anthony J. Meyer,

Coordinator, Trade Adjustment and Technical Assistance.

[FR Doc. 02–2085 Filed 1–28–02; 8:45 am]

BILLING CODE 3510–24–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of initiation of antidumping and countervailing duty administrative reviews.

SUMMARY: The Department of Commerce (the Department) has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with December anniversary dates. In accordance with our regulations, we are initiating those administrative reviews.

EFFECTIVE DATE: January 29, 2002.

FOR FURTHER INFORMATION CONTACT: Holly A. Kuga, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482–4737.

SUPPLEMENTARY INFORMATION:

Background

The Department has received timely requests, in accordance with 19 CFR 351.213(b)(2000), for administrative reviews of various antidumping and countervailing duty orders and findings with December anniversary dates.

Initiation of Reviews

In accordance with section 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than December 31, 2002.

	Period to be reviewed
Antidumping Duty Proceedings	
Chile: Certain Preserved Mushrooms, A–337–804	12/1/00–11/30/01
Nature's Farm Products (Chile) S.A.	
Ravine Foods	
Compania Envasadora del Atlantico	
India: Stainless Steel Wire Rod, A–533–808	12/1/00–11/30/01
Isibars Limited	
Mukand, Limited	
Panchmahal Steel Limited	
Viraj Group, Ltd.	
Mexico: Porcelain-On-Steel Cooking Ware, A–201–504	12/1/00–11/30/01
Cinsa, S.A. de C.V.	
Esmaltaciones de Norte America, S.A. de C.V.	
The People's Republic of China: Certain Cased Pencils,[1] A–570–827	12/1/00–11/30/01
Tianjin Customs Wood Processing Co., Ltd.	
China First Pencil Company, Ltd.	
Orient International Holding Shanghai Foreign Trade Co., Ltd.	
Countervailing Duty Proceedings	
None.	

	Period to be reviewed
Suspension Agreements	
None.	

[1] If one of the above named companies does not qualify for a separate rate, all other exporters of certain cased pencils from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under section 351.211 or a determination under section 351.218(f)(4) to continue an order or suspended investigation (after sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)), and 19 CFR 351.221(c)(1)(i).

Dated: January 22, 2002.

Holly A. Kuga,

Senior Office Director, Group II, Office 4, Import Administration.

[FR Doc. 02–2139 Filed 1–28–02; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–820]

Preliminary Results of Five-Year Sunset Review of Suspended Antidumping Duty Investigation: Fresh Tomatoes From Mexico

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice of preliminary results of full sunset review: fresh tomatoes from Mexico.

SUMMARY: On October 1, 2001, the Department of Commerce (''the Department'') initiated a five-year (''sunset'') review of the suspended antidumping duty investigation on fresh tomatoes from Mexico (66 FR49926) pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). On the basis of notice of intent to participate filed on behalf of domestic interested parties, and substantive comments filed on behalf of the domestic and respondent interested parties, the Department is conducting a full (240-day) sunset review of this suspended antidumping duty investigation. As a result of this review, the Department preliminarily finds that termination of the suspended antidumping duty investigation on fresh tomatoes from Mexico would be likely to lead to continuation or recurrence of dumping at the levels indicated in the Preliminary Results of Review section of this notice.

EFFECTIVE DATE: January 29, 2002.

FOR FURTHER INFORMATION CONTACT: James P. Maeder or Martha V. Douthit, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–3330 or (202) 482–5050, respectively.

SUPPLEMENTARY INFORMATION:

Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (''the Act''), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department regulations are to 19 CFR part 351 (2001). Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department Policy Bulletin 98:3 Policies Regarding the Conduct of Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin, 63 FR 18871 (April 16, 1998) (Sunset Policy Bulletin).

Scope of Review

The products covered by the sunset review of the suspension agreement on fresh tomatoes from Mexico include all fresh or chilled tomatoes (fresh tomatoes) except for cocktail tomatoes and those tomatoes which are for processing. For purposes of this review, cocktail tomatoes are greenhouse-grown tomatoes, generally larger than cherry tomatoes and smaller than roma or common round tomatoes, and are harvested and packaged on-the-vine for retail sale. For purposes of this review, processing is defined to include preserving by any commercial process, such as canning, dehydrating, drying or the addition of chemical substances, or converting the tomato product into juices, sauces or purees. Further, imports of fresh tomatoes for processing are accompanied by an ''Importer's Exempt Commodity Form'' (FV-6) (within the meaning of 7 CFR section 980.501(a)(2) and 980.212(i)). Fresh tomatoes that are imported for cutting up, not further processed (e.g., tomatoes used in the preparation of fresh salsa or salad bars), and not accompanied by an FV–6 form are covered by the scope of this review. All commercially grown tomatoes sold in the United States, both for the fresh market and for processing, are classified as Lycopersicon esculentum. Important commercial varieties of fresh tomatoes include common round, cherry, plum, and pear tomatoes, all of which, with the exception of cocktail tomatoes, are covered by this review. Tomatoes imported from Mexico covered by this review are classified under the following subheadings of the Harmonized Tariff Schedules of the United States (HTS), according to the season of importation: 0702.00.20, 0702.00.40, 0702.00.60, and 9906.07.01 through 9906.07.09. Although the HTS numbers are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

History of Suspension Agreement

On April 18, 1996, the Department initiated an antidumping duty investigation under section 732 of the Tariff Act of 1930 (''the Act'') on fresh tomatoes from Mexico. *See Initiation of Antidumping Duty Investigation: Fresh Tomatoes From Mexico,* 61 FR 18377 (April 25, 1996). On October 28, 1996, the Department preliminarily

determined that imports of fresh tomatoes from Mexico were being sold in the United States at less than fair value. In the preliminary determination of the investigation, the Department calculated weighted-average dumping margins of 4.16 percent for San Vincente Camalu (''Camalu''), 11.89 percent for Ernesto Fernando Echavarria Salazar Grupo Solidario (''Echavarria''), 26.97 percent for Arturo Lomeli Villalobas S.A. de C. V. (''Lomeli''), 188.45 percent for Eco Cultivos, S.A. de C.V. (''Eco-Cultivos''), 10.26 percent for Ranchos Los Pinos S. de R.L. de C.V. (''RLP''), 28.30 percent for Administradora Horticola Del Tamazula (''Tamazula''), 11.95 percent for Agricola Yory (''Yory''), and 17.56 percent for ''all other'' Mexican producers and exporters of the subject merchandise. On that same day, the Department and the signatory producers/exporters of fresh tomatoes from Mexico signed the final suspension agreement (the ''Agreement'') and which was published in the **Federal Register** concurrently. *Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination* (61 FR 56618) and *Suspension of Antidumping Investigation on Fresh Tomatoes from Mexico* (63 FR 43674). On August 14, 1998, the Department published the only amendment to the Agreement. *See Amendment to the Suspension Agreement on Fresh Tomatoes from Mexico,* 63 FR 43674 (April 14, 1998). The Agreement remains in effect for all producers and exporters of fresh tomatoes from Mexico who are signatories of the agreement.

Background

On October 1, 2001, the Department initiated a sunset review of the suspended antidumping duty investigation on fresh tomatoes from Mexico, pursuant to section 751(c) of the Act. *See Notice of Initiation of Five-Year (Sunset) Review,* 66 FR 49926 (October 1, 2001). On October 16, 2001, the Department received Notice of Intent to Participate on behalf of the Florida Commissioner of Agriculture, the Florida Tomato Growers Exchange (''FTGE''), the Florida Tomato Exchange (''FTE''), the California Fresh Tomato Growers Exchange (''CFTGE''), the Florida Fruit and Vegetable Association (''FFVA''), the South Carolina Tomato Association (''SCTA''), the Gadsden County Tomato Growers Association (''GCTGA''), the Quincy Tomato Growers Exchange (''QTGE''), and Eurofresh (collectively, ''domestic interested parties''), within the applicable deadline specified in section 351.218(d)(1)(i) of the *Sunset Regulations. See* Letters of Domestic Interested Parties, Notice of Intent to Participate—Sunset Review of the Suspension Agreement on Fresh Tomatoes from Mexico, October 16, 2001. Domestic interested parties claimed interested-party status under sections 771(9)(E), 771(9)(F), and 771(9)(C) of the Act. *See* Domestic Interested Party's Notice of Intent to Participate, October 16, 2001, at 2–4. In addition, domestic interested parties assert that they are not related to a foreign producer/exporter and are not importers, or related to importers, of the subject merchandise. *Id.* 5–7. On October 31, 2001, the Department received a complete substantive response from the domestic interested parties within the 30-day deadline specified in the *Sunset Regulations* under section 351.218(d)(3)(i). On October 31, 2001, the Department received a complete substantive response to the notice of initiation in the five-year sunset review from respondent interested parties: Confederacion de Asociaciones de Agricolas del Estado de Sinaloa and the Confederation Nacional de Productores de Hortalizas (collectively ''CAADES''). CAADES asserts that it participated fully in the original investigation and works closely with its members as well as with additional members who elected to submit voluntary responses. *See* CAADES, substantive response at 3. In addition, CAADES states that it worked closely with the Department to negotiate the suspension agreement and has met on a regular basis with the Department to discuss implementing, monitoring, and improving the agreement. Id. CAADES claimed interested-party status under section 771(9)(A) of the Act as a Mexican confederation, the majority of whose members grow and/or export tomatoes. On November 5, 2001, CAADES requested an extension of the deadline for filing rebuttal to the substantive responses. On that same day, the Department extended the deadline until November 7, 2001, for all participants eligible to file rebuttal comments.

In a sunset review, the Department normally will conclude that there is adequate response to conduct a full sunset review where respondent interested parties account for more than 50 percent, by volume, of total exports of subject merchandise to the United States. *See,* 19 CFR 351.218(e)(1)(ii)(A) (63 FR 13516 (March 20, 1998)). After examining CAADES's total exports of the subject merchandise, on November 20, 2001, the Department determined that CAADES accounted for more than 50 percent total production of the domestic like product. *See* November 20, 2001, Letter from Jeffrey A. May, Director, Office of Policy, Import Administration, to Lynn Featherstone, Director, Office of Investigations, International Trade Commission. Because the response of CAADES constituted an adequate response to the notice of initiation, the Department is conducting a full (240-day) sunset review in accordance with section 751(c)(3)(B) of the Act, and 19 CFR 351.218(e)(1)(i) and will issue final results of review not later than May 29, 2002.

Analysis of Comments Received

All issues raised by parties to this sunset review are addressed in the Issues and Decision Memorandum (''Decision Memorandum'') from Jeffrey A. May, Director, Office of Policy, Import Administration, to Faryar Shirzad, Assistant Secretary for Import Administration, dated January 22, 2002, which is adopted by this notice. The issues discussed in the Decision Memorandum include the likelihood of continuation or recurrence of dumping and the magnitude of the margins likely to prevail were the Agreement terminated. Parties may find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room B–099, of the main Commerce building. In addition, a complete version of the Decision Memorandum may be accessed directly on the Web at *http://ia.ita.doc.gov/frn,* under the heading ''January 2002.'' The paper copy and electronic version of the Decision Memorandum are identical in content.

Preliminary Results of Review

We preliminarily determine that termination of the suspended antidumping duty investigation on fresh tomatoes from Mexico would be likely to lead to continuation or recurrence of dumping at the following percentage weighted-average margins:

Manufacturer/exporters	Weighted-average margin percentage
Camalu	4.16
Echavarria	11.89
Lomeli	26.97
Eco-Cultivos	188.45
RLP	10.26
Tamazula	28.30
Yory	11.95
All Others	17.56

Any interested party may request a hearing within 30 days of publication of this notice in accordance with 19 CFR 351.310(c). Interested parties may submit case briefs no later than March 11, 2002, in accordance with 19 CFR 351.309(c)(1)(i). Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than March 15, 2002. Any hearing, if requested, will be held on March 18, 2002, in accordance with 19 CFR 351.310(d). The Department will issue a notice of final results of this sunset review, which will include the results of its analysis of issues raised in any such, no later than May 29, 2002.

This sunset review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: January 22, 2002.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 02–2138 Filed 1–28–02; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Government-Owned Inventions Available for Licensing

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of Government-owned inventions available for licensing.

SUMMARY: The invention listed below is jointly owned in by the U.S. Government, as represented by the Department of Commerce and Harvard University. The Department of Commerce's interest in the invention is available for exclusive or non-exclusive licensing in accordance with 35 U.S.C. 207 and 37 CFR part 404 to achieve expeditious commercialization of results of federally funded research and development.

FOR FURTHER INFORMATION CONTACT: Technical and licensing information on this invention may be obtained by writing to: National Institute of Standards and Technology, Office of Technology Partnerships, Building 820, Room 213, Gaithersburg, MD 20899; Fax 301–869–2751. Any request for information should include the NIST Docket number and title for the relevant invention as indicated below.

SUPPLEMENTARY INFORMATION: The invention available for licensing is:

NIST Docket Number: 95–040CIP

Title: Characterization of Individual Polymer Molecules Based on Monomer-Interface Interactions

Abstract: A method for sequencing a nucleic acid polymer by (1) providing two separate, adjacent pools of a medium and an interface between the two pools, the interface having a channel so dimensioned as to allow sequential monomer-by-monomer passage from one pool to other pool of only one nucleic acid polymer at a time; (2) placing the nucleic acid polymer to be sequenced in one of the two pools; and (3) taking measurements as each of the nucleotide monomers of the nucleic acid polymer passes through the channel so as to sequence the nucleic acid polymer.

Dated: January 22, 2002.

Karen H. Brown,

Deputy Director.

[FR Doc. 02–2074 Filed 1–28–02; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 011402C]

Marine Mammals; File No. 1018–1655–00

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

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that Luciana Moller, Ph.D., Department of Ecology and Evolutionary Biology, Yale University, New Haven, Connecticut 06520 has been issued a permit to import tissue samples taken from bottlenose dolphins (*Tursiops aduncus*) in Australia for purposes of scientific research.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 713–2289; fax (301) 713–0376;

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930–2298; phone (978) 281–9200; fax (978) 281–9371.

FOR FURTHER INFORMATION CONTACT: Amy Sloan or Lynne Barre (301) 713–2289.

SUPPLEMENTARY INFORMATION: On November 14, 2001, notice was published in the **Federal Register** (66 FR 57041) that a request for a scientific research permit to import skin and blubber biopsy samples taken from bottlenose dolphins (*Tursiops aduncus*) in Australia had been submitted by the above-named individual. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Dated: January 23, 2002.

Ann D. Terbush,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 02–2137 Filed 1–28–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

[Docket No. 000410097–2017–04]

Public Telecommunications Facilities Program: Notice of Funds Available

AGENCY: National Telecommunications and Information Administration (NTIA), Commerce.

ACTION: Notice of availability of funds.

SUMMARY: On November 20, 2001, the National Telecommunications and Information Administration (NTIA) announced the Notice of Closing Date and Solicitation of Applications for the Public Telecommunications Facilities Program (PTFP) At the time the *Notice of Closing Date and Solicitation of Applications* appeared in the **Federal Register**, PTFP had not been appropriated funds through the fiscal year. NTIA is publishing this *Notice of Availability of Funds* to announce the funds available for fiscal year 2002 PTFP grants.

ADDRESSES: To obtain an application package, submit completed applications, or send any other correspondence, write to: NTIA/PTFP, Room H–4625, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: William Cooperman, Director, Public Broadcasting Division, telephone: (202) 482–5802; fax: (202) 482–2156. Materials needed to complete an application can be obtained electronically via PTFP's Web site at *http://www.ntia.doc.gov/ptfp.*

SUPPLEMENTARY INFORMATION:

Authority: Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002, Public Law 107–77.

Funding Availability

On November 20, 2001, the National Telecommunications and Information Administration (NTIA) announced the Notice of Closing Date and Solicitation of Applications for the Public Telecommunications Facilities Program (PTFP)(66 FR 58302). At the time the *Notice of Closing Date and Solicitation of Applications* appeared in the **Federal Register**, PTFP had not been appropriated funds through the fiscal year. The National Telecommunications and Information Administration (NTIA), U.S. Department of Commerce announces that approximately $25 million is available for award to applicants submitting applications in response to the Notice of Closing Date published November 20, 2001. Pursuant to P.L. 107–77, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002, the Congress appropriated $41.1 million for Public Telecommunications Facilities Program grants. NTIA has allocated approximately $16 million from the $41.1 million for funding additional phases of multi-year projects initially funded in FY 2000 and FY 2001.

Dr. Bernadette McGuire-Rivera,

Associate Administrator, Office of Telecommunications and Information Applications.

[FR Doc. 02–2089 Filed 1–28–02; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

[Docket Number: 981203295–2010–07; CFDA: 11.552]

RIN 0660–ZA06

Technology Opportunities Program

AGENCY: National Telecommunications and Information Administration, Commerce.

ACTION: Notice of availability of funds.

SUMMARY: On December 6, 2001, the National Telecommunications and Information Administration (NTIA) announced the Solicitation of Grant Applications for the Technology Opportunities Program (TOP). At the time the Notice of Solicitation of Grant Applications appeared in the **Federal Register**, TOP had not been appropriated funds through the fiscal year. TOP is publishing this Notice of Availability of Funds to announce the fiscal year 2002 appropriation amount for TOP grants.

DATES: Complete applications for the Fiscal Year 2002 TOP grant program must be mailed or hand-carried to the address indicated below and received by NTIA no later than 8 P.M. EST, March 21, 2002. NTIA anticipates the processing and selection of applications for funding will require 6 months. NTIA expects to announce FY 2002 awards prior to September 30, 2002.

ADDRESSES: Completed applications must be mailed, shipped, or sent overnight express to: Technology Opportunities Program, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW., HCHB, Room 4092, Washington, DC 20230.

or hand-delivered to: Technology Opportunities Program, National Telecommunications and Information Administration, U.S. Department of Commerce, HCHB, Room 1874, 1401 Constitution Avenue, NW., Washington, DC 20230.

Room 1874 is located at entrance #10 on 15th Street NW., between Pennsylvania and Constitution Avenues.

FOR FURTHER INFORMATION, CONTACT: Stephen J. Downs, Director of the Technology Opportunities Program. Telephone: 202–482–2048; fax: 202–501–5136; e-mail: *top@ntia.doc.gov.*

SUPPLEMENTARY INFORMATION:

Authority

Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002, Public Law 107–77.

Funding Availability

On December 6, 2001, NTIA announced in the **Federal Register**, 66 FR 235, that TOP was soliciting grant applications. The Notice of Solicitation of Grant Applications did not announce the amount of available funds because, at the time the Notice was drafted, a final appropriation for TOP was enacted into law. On November 28, 2001, by enactment of Public Law 107–77, TOP was appropriated approximately $12.4 million for grants in FY 2002.

Except to note that funding for TOP is approximately $12.4 million for grants in FY 2002, all other information announced in the Notice of Solicitation of Grant Applications remains in effect. In addition, the Guidelines for Preparing Applications—Fiscal Year 2002 were unchanged by the appropriations legislation and should now be considered final.

Other Information

For further information on the TOP, please refer to the program's Notice of Solicitation of Grant Applications, 66 FR 235 (December 6, 2001). Materials needed to complete an application can be obtained electronically via TOP's web site at *http://www.ntia.doc.gov/top* or by contacting the TOP office at 202–482–2048.

Nancy J. Victory,

Assistant Secretary for Communications and Information.

[FR Doc. 02–2071 Filed 1–28–02; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF DEFENSE

[OMB Control Number 0704–0259]

Information Collection Requirements; Defense Federal Acquisition Regulation Supplement; Types of Contracts

AGENCY: Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection requirement for use through September 30, 2002. DoD proposes that OMB extend its approval for use through September 30, 2005.

DATES: DoD will consider all comments received by April 1, 2002.

ADDRESSES: Respondents may submit comments directly on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm.* As an alternative,

respondents may e-mail comments to: *dfars@acq.osd.mil.* Please cite OMB Control Number 0704–0259 in the subject line of e-mailed comments.

Respondents that cannot submit comments using either of the above methods may submit comments to: Defense Acquisition Regulations Council, Attn: Ms. Susan L. Schneider, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062; facsimile (703) 602–0350. Please cite OMB Control Number 0704–0259.

At the end of the comment period, interested parties may view public comments on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf.*

FOR FURTHER INFORMATION CONTACT: Ms. Susan L. Schneider, (703) 602–0326. The information collection requirements addressed in this notice are available electronically on the World Wide Web at: *http://www.acq.osd.mil/dp/dars/dfars.html.* Paper copies are available from Ms. Susan L. Schneider, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 216, Types of Contracts, and related clauses at DFARS 252.216–7000, Economic Price Adjustment—Basic Steel, Aluminum, Brass, Bronze, or Copper Mill Products; DFARS 252.216–7001, Economic Price Adjustment—Nonstandard Steel Items, and DFARS 252.216–7003, Economic Price Adjustment—Wage Rates or Material Prices Controlled by a Foreign Government; OMB Control Number 0704–0259.

Needs and Uses: The clauses at DFARS 252.216–7000, 252.216–7001, and 252.216–7003 require contractors with fixed-price economic price adjustment contracts to submit information to the contracting officer regarding changes in established material prices or wage rates. The contracting officer uses this information to make appropriate adjustments to contract prices.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Annual Burden Hours: 552.

Number of Responses: 69.

Responses Per Respondent: 1.97.

Annual Responses: 136.

Average Burden Per Response: 4.06 hours.

Frequency: On occasion.

Summary of Information Collection

Each clause requires the contractor to submit certain information that the contracting officer uses to adjust contract prices:

a. Paragraph (c) of the clause at DFARS 252.216–7000 requires the contractor to notify the contracting officer of the amount and effective date of each decrease in any established price. Paragraph (d) of the clause permits the contractor to submit a written request to the contracting officer for an increase in contract price.

b. Paragraph (f)(2) of the clause at DFARS 252.216–7001 requires the contractor to furnish a statement identifying the correctness of the established prices and employee hourly earnings that are relevant to the computation of various indices. Paragraph (f)(3) of the clause requires the contractor to make available all records used in the computation of labor indices upon the request of the contracting officer.

c. Paragraph (b)(1) of the clause at DFARS 252.216–7003 permits the contractor to provide a written request for contract adjustment based on increases in wage rates or material prices that are controlled by a foreign government. Paragraph (c) of the clause requires the contractor to make available its books and records that support a requested change in contract price.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 02–2052 Filed 1–28–02; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF EDUCATION

National Committee on Foreign Medical Education and Accreditation; Meeting

AGENCY: National Committee on Foreign Medical Education and Accreditation, Department of Education.

What Is the Purpose of This Notice?

The purpose of this notice is to announce the upcoming meeting of the National Committee on Foreign Medical Education and Accreditation. Parts of this meeting will be open to the public, and the public is invited to attend those portions.

When and Where Will the Meeting Take Place?

We will hold the public meeting on March 1, 2002 beginning at 10 a.m. in Plaza C at The Ritz-Carlton Hotel at Pentagon City, 1250 South Hayes Street, Arlington, VA 22202. You may call the hotel at (703) 415–5000 or fax the hotel at (703) 415–5061 to inquire about room accommodations.

What Assistance Will Be Provided to Individuals With Disabilities?

The meeting site is accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (*e.g.,* interpreting service, assistive listening device, or materials in an alternate format) notify the contact person listed in this notice at least two weeks before the scheduled meeting date. Although we will attempt to meet a request received after that date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

Who Is the Contact Person for the Meeting?

Please contact Ms. Bonnie LeBold, the Executive Director of the National Committee on Foreign Medical Education and Accreditation, if you have questions about the meeting. You may contact her at the U.S. Department of Education, room 7007, MS 7563, 1990 K St. NW., Washington, DC 20006, telephone: (202) 219–7009, fax: (202) 219–7008, e-mail: *Bonnie.LeBold@ed.gov.*

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service at 1–800–877–8339.

What Are the Functions of the National Committee?

The National Committee on Foreign Medical Education and Accreditation was established by the Secretary of Education under section 102 of the Higher Education Act of 1965, as amended. The Committee's responsibilities are to:

- Evaluate the standards of accreditation applied to applicant foreign medical schools; and
- Determine the comparability of those standards to standards for accreditation applied to United States medical schools.

What Items Will Be on the Agenda for Discussion at the Meeting?

The National Committee on Foreign Medical Education and Accreditation will review the standards of accreditation applied to medical schools by several foreign countries to determine whether those standards are comparable to the standards of accreditation applied to medical schools in the United States. Discussions of the standards of accreditation will be held in sessions open to the public. Discussions that focus on specific determinations of comparability are closed to the public in order that each country may be properly notified of the

decision. The countries tentatively scheduled to be discussed at the meeting include Australia/New Zealand, Canada, Costa Rica, Czech Republic, Dominica, Grenada, Mexico, the Philippines, and Taiwan. Beginning February 15, you may call the contact person listed above to obtain the final listing of the countries whose standards will be discussed during this meeting. The listing of countries will also be posted on the Department of Education's Web site at the following address: *http://www.ed.gov/offices/OPE/accreditation/ncfmeetings.html.*

How May I Obtain Electronic Access to This Document?

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/legislation/FedRegister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.access.gpo.gov/nara/index.html.*

Authority: 5 U.S.C. Appendix 2.

Dated: January 23, 2002.

Kenneth W. Tolo,

Acting Deputy Assistant Secretary for Policy, Planning, and Innovation, Office of Postsecondary Education.

[FR Doc. 02–2127 Filed 1–28–02; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Office of Science Financial Assistance Program Notice 02–04; Experimental Program to Stimulate Competitive Research (EPSCoR); Building EPSCoR-State/National Laboratory Partnerships

AGENCY: U.S. Department of Energy.

ACTION: Notice inviting research grant applications.

SUMMARY: The Office of Basic Energy Sciences (BES) of the Office of Science (SC), U.S. Department of Energy (DOE), in keeping with its energy-related mission to assist in strengthening the Nation's scientific research enterprise through the support of basic science, engineering, and mathematics, announces its interest in receiving grant applications for collaborative partnerships between academic or industrial researchers from states eligible for the DOE/EPSCoR program and researchers at DOE's National Laboratories, facilities, and centers. The purpose of the DOE/EPSCoR program is to enhance the capability of designated states to conduct nationally-competitive energy-related research, and to develop science and engineering manpower in energy-related areas to meet current and future needs. The purpose of this program notice is to initiate and promote partnering and collaborative relationships that build beneficial energy-related research programs with strong participation by students, postdoctoral fellows and young faculty from EPSCoR states.

DATES: Potential applicants are required to submit a brief preapplication. All preapplications, referencing Program Notice 02–04, must be received by DOE by 4:30 P.M., E.DT., April 17, 2002, (preapplications received after this date will not be considered). A response to the preapplications encouraging or discouraging a formal application will be communicated to the applicant within approximately thirty days of receipt. The deadline for receipt of formal applications is 4:30 P.M., E.DT., July 10, 2002, (formal applications received after this date will not be considered), in order to be accepted for merit review and to permit timely consideration for award in Fiscal Year 2003.

ADDRESSES: All preapplications, referencing Program Notice 02–04, should be sent to Dr. Matesh N. Varma, Division of Materials Sciences and Engineering, SC–132, Office of Science, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874–1290. After receiving notification from DOE encouraging submission of a formal application, applicants may prepare formal applications and send them to: U.S. Department of Energy, Office of Science, Grants and Contracts Division, SC–64, 19901 Germantown Road, Germantown, MD 20874–1290, ATTN: Program Notice 02–04. This above address must also be used when submitting applications by U.S. Postal Service Express, any commercial mail delivery service, or when hand carried by the applicant.

FOR FURTHER INFORMATION CONTACT: Dr. Matesh N. Varma, DOE/EPSCoR Program Manager, Division of Materials Sciences and Engineering, SC–132, Office of Science, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874–1290, Telephone: (301) 903–3209, Facsimile: (301) 903–9513 or Internet e-mail address: *matesh.varma@science.doe.gov.*

SUPPLEMENTARY INFORMATION: To continue to enhance the competitiveness of states and territories identified for participation in the Experimental Program to Stimulate Competitive Research (EPSCoR), DOE encourages the formation of partnerships between academic and industrial researchers in EPSCoR states and the researchers at DOE's National Laboratories, facilities and centers in scientific areas supported by DOE's Office of Science. These collaborations should address areas of research of current interest to the Department. Undergraduate and graduate students, postdoctoral fellows and young faculty must be active members of the research team, and it is encouraged that these investigators spend a summer or significant time during the academic year at a National Laboratory, facility or center. It is also encouraged that collaborating scientists from the National Laboratories visit collaborating EPSCoR state faculty for exchange of scientific ideas and fostering active collaboration. Subcontracting arrangements with DOE National Laboratories will not be permitted. DOE eligible states and territories for the EPSCoR program are: Alaska, Alabama, Arkansas, Hawaii, Idaho, Kansas, Kentucky, Louisiana, Maine, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Carolina, South Dakota, Vermont, West Virginia, Wyoming, and the Commonwealth of Puerto Rico.

Program Funding

It is anticipated that approximately $550,000 will be available in FY 2003, for research that encourages and facilitates collaborative efforts between researchers from EPSCoR states and researchers at DOE's National Laboratories, facilities, and centers. Multiple-year funding of grant awards is expected subject to satisfactory progress of the research, the availability of funds, and evidence of substantial interactions between the EPSCoR researchers and the National Laboratory partner. Awards are expected to range up to a maximum of $150,000 annually with terms up to three years. The number of awards and range of funding will depend on the number of applications received and selected for award. Cost sharing of exactly 10% of the total budget is required from non-federal sources. All

DOE/EPSCOR award funds will be provided to the recipient organization within the EPSCoR state for the purpose of supporting activities in the EPSCoR state and may include travel and lodging, faculty or student stipends, materials, services and equipment.

Applications

To minimize undue effort on the part of applicants and reviewers, interested parties must submit preapplications. Only one application per individual is permitted, and individuals currently receiving DOE EPSCoR funds are not eligible to apply. The preapplications will be evaluated relative to the scope and research needs of the Department of Energy. The brief preapplication must consist of (1) one to two pages of narrative describing the research objectives and methods of accomplishment, (2) a letter from the appropriate state EPSCoR coordinator endorsing the preapplication, and (3) a letter of intent from the DOE National Laboratory researcher confirming willingness to collaborate on the project. The preapplications will be grouped according to programmatic areas of interest to the DOE and will be reviewed by DOE laboratory management to determine the priority of the proposed research. The preapplications will also be reviewed by the relevant programmatic research area program manager. DOE program managers will be asked to rank EPSCoR preapplications by program priority. They will also be asked for their willingness to provide cofunding if a project is selected for approval. Based on this review, DOE/EPSCoR management will recommend formal submission of applications to the Department. A telephone number, facsimile number, and e-mail address are required parts of the preapplication. Instructions regarding the contents of a preapplication and other preapplication guidelines can be found on the SC Grants and Contracts Web site at: *http://www.sc.doe.gov/production/grants/preapp.html.*

In addition to the project description, all preapplications and formal applications must include the following information:

(1) Applications should explain the relevance of the proposed research to the agency's programmatic needs. On the cover page, applicants should specify the relevant DOE technical program office, and if known, the name of the program manager, and telephone number. DOE program descriptions and the contact person information may be accessed via the Web at: *http://www.doe.gov.*

(2) Applications must demonstrate clear evidence of collaborative intent, including a delineation of each partner's role and contribution to the research effort as well as a ''Letter-of-Intent'' from the participating DOE National Laboratory, facility, or center.

(3) Applications must explain the individual value to both the EPSCoR and the National Laboratory partners. There should be clear objectives, not necessarily the same, for each partner.

Applications will be subjected to scientific merit review (peer review) and will be evaluated against the following evaluation criteria, listed in descending order of importance as codified at 10 CFR part 605.10(d).

1. Scientific and/or Technical Merit of the Project,

2. Appropriateness of the Proposed Method or Approach,

3. Competency of Applicant's Personnel and Adequacy of Proposed Resources,

4. Reasonableness and Appropriateness of the Proposed Budget.

The evaluation will include program policy factors such as the relevance of the proposed research to the terms of the announcement and an agency's programmatic needs and priority. Note: External peer reviewers are selected with regard to both their scientific expertise and the absence of conflict-of-interest issues. Non-federal reviewers will often be used, and submission of an application constitutes agreement that this is acceptable to the investigator(s) and the submitting institution.

Applications received by SC under its current competitive application mechanisms that meet the criteria outlined in this Notice may also be deemed appropriate for consideration under this announcement and may be funded under this program.

General information about the development and submission of preapplications, applications, eligibility, limitations, evaluation, and selection processes, and other policies and procedures are contained in the Application Guide for the Office of Science Financial Assistance Program and 10 CFR part 605. Electronic access to the latest version of SC's Financial Assistance Guide is possible via the Internet at the following Web site address: *http://www.sc.doe.gov/production/grants/grants.html.*

Additional information regarding format, preparation and specific requirements for this program may be found at the following Web site address: *http://www.sc.doe.gov/production/bes/EPSCoR/APPLI1.HTM.*

The Catalog of Federal Domestic Assistance Number for this program is 81.049, and the solicitation control number is ERFAP 10 CFR part 605.

Issued in Washington, DC on January 18, 2002.

John Rodney Clark,

Associate Director of Science for Resource Management.

[FR Doc. 02–2112 Filed 1–28–02; 8:45 am]

BILLING CODE 6450–02–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC01–1–001 FERC Form No. 1]

Information Collection Submitted for Review and Request for Comments

January 23, 2002.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of submission for review by the Office of Management and Budget (OMB) and request for comments.

SUMMARY: The Federal Energy Regulatory Commission (Commission) has submitted the energy information collection listed in this notice to the Office of Management and Budget (OMB) for review under provisions of section 3507 of the Paperwork Reduction Act of 1995 (Public Law 104–13). Any interested person may file comments on the collection of information directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission received comments from six entities. Of the six, two represented either their subsidiaries or on behalf of a collective group of electric utilities. Information about the electric utilities and individual companies that participated is listed in Appendix D of the submission. The actual comments themselves are included in Attachment A. These entities commented in response to an earlier **Federal Register** notice of August 7, 2001 (66 FR 41217). The Commission has responded to these comments in its submission to OMB.

DATES: Comments regarding this collection of information are best assured of having their full effect if received within 30 days of this notification.

ADDRESSES: Address comments to Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Federal Energy Regulatory Commission, Desk Officer, 725 17th Street, NW., Washington, DC 20503. The

Desk Officer may also be reached at (202) 395–7318. A copy of the comments should also be sent to Federal Energy Regulatory Commission, Office of the Chief Information Officer, Attention: Mr. Michael Miller, 888 First Street NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Mr. Miller may be reached by telephone at (202) 208–1415, by fax at (202) 208–2425, and by e-mail at *mike.miller@ferc.gov.*

SUPPLEMENTARY INFORMATION:

Description

The energy information collection submitted to OMB for review contains:

1. *Collection of Information:* FERC Form 1 ''Annual Report for Major Electric Utilities, Licensees and Others''.

2. *Sponsor:* Federal Energy Regulatory Commission.

3. *Control No.:* OMB No. 1902–0021. The Commission is now requesting that OMB approve a three-year extension of the current expiration date, with proposed changes to the existing collection. There is a decrease in the reporting burden due to the proposed elimination of eleven schedules and the abolishment of the paper copy filing requirement. There is also an adjustment due to an increase in the number of entities who are now subject to the Commission's jurisdiction and as a result must submit this annual report. This is a mandatory information collection requirement.

4. *Necessity of Collection of Information:* Submission of the information is necessary to enable the Commission to carry out its responsibilities in implementing the provisions of the Federal Power Act (FPA). Under the FPA the Commission may prescribe a system of accounts for jurisdictional companies, and after notice and hearing, may determine the accounts in which particular outlays and receipts will be entered, charged or credited. The FERC Form 1 is designed to collect financial information from privately owned electric utilities and licensees who have generation, transmission, distribution and sales of electric energy, however produced throughout the United States and its possessions, subject to the Commission's jurisdiction.

Respondent Description: The respondent universe currently comprises on average, 216 companies subject to the Commission's jurisdiction.

6. *Estimated Burden:* 226,800 total burden hours, 216 respondents, 1 response annually, 1,050 hours per response (average).

7. *Estimated Cost Burden to Respondents:* 226,800 hours ÷ 2,080 hours per year × $117,041 per year = $12,713,112 average cost per respondent = $58,857.

Statutory Authority: Sections 304 and 309 of the Federal Power Act (FPA), 16 U.S.C. 825c–825h.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 02–2096 Filed 1–28–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC01–1F–001 FERC Form No. 1–F]

Information Collection Submitted for Review and Request for Comments

January 23, 2002.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of submission for review by the Office of Management and Budget (OMB) and request for comments.

SUMMARY: The Federal Energy Regulatory Commission (Commission) has submitted the energy information collection listed in this notice to the Office of Management and Budget (OMB) for review under provisions of Section 3507 of the Paperwork Reduction Act of 1995 (Public Law 104–13). Any interested person may file comments on the collection of information directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission received comments from two entities. The actual comments themselves are included in Attachment A. These entities commented in response to an earlier **Federal Register** notice of October 1, 2001 (66 FR 49945). The Commission has responded to these comments in its submission to OMB.

DATES: Comments regarding this collection of information are best assured of having their full effect if received within 30 days of this notification.

ADDRESSES: Address comments to Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Federal Energy Regulatory Commission, Desk Officer, 725 17th Street, NW., Washington, DC 20503. The Desk Officer may also be reached at (202) 395–7318. A copy of the comments should also be sent to Federal Energy Regulatory Commission, Office of the Chief Information Officer, Attention: Mr. Michael Miller, 888 First Street NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Mr. Miller may be reached by telephone at (202) 208–1415, by fax at (202) 208–2425, and by e-mail at *mike.miller@ferc.gov.*

SUPPLEMENTARY INFORMATION:

Description

The energy information collection submitted to OMB for review contains:

1. *Collection of Information:* FERC Form 1–F ''Annual Report for Nonmajor Public Utilities and Licensees''.

2. *Sponsor:* Federal Energy Regulatory Commission.

3. *Control No.:* OMB No. 1902–0029. The Commission is now requesting that OMB approve a three-year extension of the current expiration date, with proposed changes to the existing collection. There is an increase in the reporting burden due to an adjustment in the number of entities who are now subject to the Commission's jurisdiction and as a result must submit this annual report. This increase is partially offset by the proposed elimination of two schedules and certain line items on six other schedules. This is a mandatory information collection requirement.

4. *Necessity of Collection of Information:* Submission of the information is necessary to enable the Commission to carry out its responsibilities in implementing the provisions of the Federal Power Act (FPA). Under the FPA the Commission may prescribe a system of accounts for jurisdictional companies, and after notice and hearing, may determine the accounts in which particular outlays and receipts will be entered, charged or credited. The FERC Form 1–F is designed to collect financial information from jurisdictional electric utilities and licensees who have generation, transmission, distribution and/or sell electric energy, within the United States and its possessions.

Respondent Description: The respondent universe currently comprises on average, 26 companies subject to the Commission's jurisdiction.

6. *Estimated Burden:* 832 total burden hours, 26 respondents, 1 response annually, 32 hours per response (average).

7. *Estimated Cost Burden to Respondents:* 832 hours ÷ 2,080 hours per year × $117,041 per year = $ 46,816 average cost per respondent = $1,801.

STATUTORY AUTHORITY: Sections 304 and 309 of the Federal Power Act (FPA), 16 U.S.C. 825c–825h.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 02–2097 Filed 1–28–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–146–000]

Columbia Gulf Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

January 23, 2002.

Take notice that on January 15, 2002, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1 (Tariff), the following revised tariff sheets, with a proposed effective date of February 1, 2002:

Twenty-eighth Revised Sheet No. 18
Eighteenth Revised Sheet No. 18A
Twenty-ninth Revised Sheet No. 19

Columbia Gulf states that it is submitting a ''Periodic TRA Filing,'' pursuant to the provisions of Section 33, ''Transportation Retainage Adjustment (TRA),'' of the General Terms and Conditions (GTC) of its FERC Gas Tariff, Second Revised Volume No. 1 (Tariff). GTC Section 33 provides for Columbia Gulf's required annual (the Annual TRA filed on March 1 of each year) and discretionary periodic adjustments (the Periodic TRA) to the applicable transportation retainage percentages in its Tariff. This Periodic TRA Filing reduces the applicable transportation retainage percentages on Columbia Gulf.

Columbia Gulf states that copies of its filing are available for inspection at its offices at 12801 Fair Lakes Parkway, Fairfax, Virginia; 2603 Augusta, Suite 124, Houston, Texas; and 10 G Street NE, Suite 580, Washington, DC; and have been mailed to all firm customers, interruptible customers, and affected state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Web at http://www.ferc.gov using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. *See*, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 02–2107 Filed 1–28–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT00–34–007]

Dauphin Island Gathering Partners; Notice of Proposed Changes in FERC Gas Tariff

January 23, 2002.

Take notice that on January 11, 2002, Dauphin Island Gathering Partners (DIGP) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed below to become effective January 1, 2002. DIGP states that these tariff sheets reflect changes to shipper names and Maximum Daily Quantities (MDQ's).

Eighth Revised Sheet No. 9
Sixth Revised Sheet No. 10

DIGP states that a copy of this filing is available for public inspection during regular business hours at DIGP's office at 370 17th Street, Suite 900, Denver, Colorado 80202.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 02–2095 Filed 1–28–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP02–64–000]

Dominion Transmission, Inc.; Notice of Application

January 23, 2002.

Take notice that on January 11, 2002, Dominion Transmission, Inc. (DTI), 445 West Main Street, Clarksburg, West Virginia 26301, filed an abbreviated application for authorization to construct, install, own, operate and maintain certain compressor facilities, and for authority to abandon a segment of pipeline, pursuant to section 7 of the Natural Gas Act (NGA), as amended, and part 157 of the Commission's Rules and Regulations, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may also be viewed on the Web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance).

Specifically, DTI requests authorization: (1) to construct approximately 12,000 horsepower (HP) of electrically-driven compression at DTI's Hastings Compressor Station (Hastings Station) located in Wetzel County, West Virginia; (2) to abandon approximately 9,200 HP of compression consisting of 3 units of 2,000 HP each and 2 units of 1,600 HP each also at Hastings Station, (3) to abandon 3 pipelines totaling 7,696 feet in length and various diameters located at or near Hastings Station and (4) to increase the capacity through Hastings Station from approximately 150 MMcfd to 166 MMcfd.

Any questions regarding the application should be directed to Sean R. Sleigh, Certificates Manager for Dominion Transmission, Inc., 445 West

Main Street, Clarksburg, West Virginia 26301, at (304) 627–3462.

There are two to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before February 13, 2002, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission may issue a preliminary determination on non-environmental issues prior to the completion of its review of the environmental aspects of the project. This preliminary determination typically considers such issues as the need for the project and its economic effect on existing customers of the applicant, on other pipelines in the area, and on landowners and communities. For example, the Commission considers the extent to which the applicant may need to exercise eminent domain to obtain rights-of-way for the proposed project and balances that against the non-environmental benefits to be provided by the project. Therefore, if a person has comments on community and landowner impacts from this proposal, it is important either to file comments or to intervene as early in the process as possible.

Interventions, comments, and protests may be filed electronically via the Internet in lieu of paper. *See,* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final Commission order approving or denying a certificate will be issued.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 02–2093 Filed 1–28–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP91–143–052]

Great Lakes Gas Transmission Limited Partnership; Notice of Revenue Sharing Report November 2000–October 2001

January 23, 2002.

Take notice that on January 16, 2002, Great Lakes Gas Transmission Limited Partnership (Great Lakes) filed its Interruptible/Overrun (I/O) Revenue Sharing Report with the Federal Energy Regulatory Commission (Commission) in accordance with the Stipulation and Agreement (Settlement) filed on September 24, 1992, and approved by the Commission's February 3, 1993 order issued in Docket No. RP91–143–000, et al.

Great Lakes states that this report reflects application of the revenue sharing mechanism and remittances made to firm shippers for I/O revenue collected for the November 1, 2000 through October 31, 2001 period, in accordance with Article IV of the Settlement. Such remittances, totaling $35,146, were made to Great Lakes' firm shippers as shown in the schedules included in the filing.

Great Lakes states that copies of the report were sent to its firm customers, parties to this proceeding and the Public Service Commissions of Minnesota, Wisconsin and Michigan.

Great Lakes further states the amounts remitted are based on implementation of the Commission's orders in Docket Nos. RP91–143, RS92–63 and RP95–422, et al.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before January 29, 2002. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. *See*, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 02–2103 Filed 1–28–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. QF87–632–006]

Inter-Power/AhlCon Partners, L.P.; Notice of Filing

January 23, 2002.

Take notice that on January 16, 2002, Inter-Power/AhlCon Partners, L.P. (Applicant) filed a Notice of Withdrawal of its Application for Recertification of Qualifying Facility Status for Small Power Production Facility.

Any person desiring to intervene or to protest this filing should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. All such motions and protests should be filed on or before the comment date and to the extent applicable, must be served on the applicant and on any other person designated on the official service list. This filing is available for review at the Commission or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Protests and interventions may be filed electronically via the Internet in lieu of paper; *see*, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: February 1, 2002.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 02–2102 Filed 1–28–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–72–001]

Midwestern Gas Transmission Company; Notice of Compliance Tariff Filing

January 23, 2002.

In accordance with the Commission's order at Docket No. RP02–72–000 dated December 31, 2001, 97 FERC 61,388, Midwestern hereby files the following compliance tariff sheets:

First Revised Sheet No. 225
First Revised Sheet No. 227
First Revised Sheet No. 228

In the December 31, 2001 Order, the Commission rejected Midwestern's proposal to require that off-hour hourly nomination requests be made via facsimile. By this filing, Midwestern's First Revised Sheet No. 225 complies with the December 31, 2001 order and reflects that requests for off-hour hourly nominations be made electronically, via the System. In the December 31, 2001 order, the Commission also rejected Midwestern's proposal to modify its scheduling priorities. Midwestern is filing First Revised Sheet No. 227, Subsection 3.7 of its General Terms and Conditions, to eliminate the distinction between nominations made within a shipper's contracted path and nominations outside of a shipper's contracted path. Due to this change, the paragraphs of Subsection 3.7 of the General Terms and Conditions have been renumbered; therefore, First Revised Sheet No. 228 is filed herein.

Copies of this filing have been sent to all parties of record in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. *See*, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 02–2105 Filed 1–28–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2017–011–CA]

Southern California Edison Company; Notice

January 23, 2002.

Vince Yearick, of the Commission's Office of Energy Projects, (202) 219–3073, has been assigned to assist in any settlement process that may transpire in the above-captioned proceeding. He has been separated from, and will not participate as, advisory staff in this proceeding.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 02–2099 Filed 1–28–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP02–67–000]

Transcontinental Gas Pipe Line Corporation; Notice of Request Under Blanket Authorization

January 23, 2002.

Take notice that on January 15, 2002, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251–1396, filed in Docket No. CP02–67–000 a request pursuant to sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.211) for authorization to construct a delivery point for Sweetheart Cup Company, Inc. (Sweetheart), located in Baltimore County, Maryland, under Transco's blanket certificate issued in Docket No. CP82–426–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection. This filing may be viewed on the Web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket #'' from the RIMS Menu and follow the instructions (please call 202–208–2222 for assistance).

Transco proposes to construct, own, and operate a new delivery point for Sweetheart, a manufacturer of disposable food service products. Transco proposes to construct two 4-inch tap valve assemblies, a meter station with one 3-inch rotary meter, approximately 1,400 feet of 6-inch inlet piping to the meter station, outlet piping from the meter station, odorization, electronic flow measurement equipment, and other appurtenant facilities, located on Transco's mainline in Baltimore County, Maryland.

Transco states that the new delivery point will be used by Sweetheart to receive up to 8,976 dekatherms per day at 800 psig of gas from Transco on a firm, capacity release, or interruptible basis. Transco indicates that upon completion of the delivery point, Transco will commence transportation service to Sweetheart or its suppliers pursuant to Transco's Rate Schedules FT, FT–R, or IT and part 284(G) of the

Commission's Regulations. Transco asserts that the addition of the delivery point will have no significant impact on Transco's peak day or annual deliveries, and is not prohibited by Transco's FERC Gas Tariff.

Transco states that the estimated cost of the proposed facilities is approximately $888,200. Transco indicates that Sweetheart will reimburse Transco for all costs associated with such facilities.

Any questions regarding the prior notice request should be directed to Paul Gredell, Transcontinental Gas Pipe Line Corporation, P.O. Box 1396, Houston, Texas 77251–1396, at (713) 215–2197.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act. Comments and protests may be filed electronically via the internet in lieu of paper. *See*, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 02–2094 Filed 1–28–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–359–007]

Transcontinental Gas Pipe Line Corporation; Notice of Negotiated Rate Contracts

January 23, 2002.

Take notice that on January 15, 2002 Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing with the Federal Energy Regulatory Commission (Commission) copies of executed service agreements that contain a negotiated rate under Rate Schedule FT applicable to Public Service Electric & Gas Company (PSE&G) and Williams Energy Marketing & Trading Company (WEM&T) of the MarketLink Expansion Project Phase I customers. These service agreements are the result of the permanent capacity release of a previously filed and reviewed Phase I MarketLink service agreement containing a negotiated rate. The effective date of the permanent capacity release and therefore these negotiated rate transactions is December 19, 2001.

Transco states that the purpose of the instant filing is to reflect one of the MarketLink Expansion Project customers, WEM&T, permanently released, effective December 19, 2001, 50,000 dt per day of its 100,000 dt per day of firm Phase 1 MarketLink capacity to PSE&G at the same negotiated rate and primary term. The permanent release of firm MarketLink capacity was effectuated pursuant to Section 42.12 of the General Terms and Conditions of Transco's FERC Gas Tariff. Accordingly, Transco hereby files with the Commisison the negotiated rate agreements under Rate Schedule FT applicable to WEM&T and PSE&G to reflect this permanent capacity release.

Transco states that copies of the filing are being mailed to its affected customers and interested State Commissions. In accordance with the provisions of Sections 154.2(d) of the Commission's Regulations, copies of this filing are available for public inspection, during regular business hours in a convenient form and place at Transco's main offices at 2800 Post Oak Boulevard in Houston, Texas.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. *See*, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 02–2104 Filed 1–28–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR02–3–000]

Ultramar Inc. Complainant, v. Calnev Pipe Line, L.L.C. Respondent; Notice of Complaint

January 23, 2002.

Take notice that on January 18, 2002, pursuant to Rule 206 of the Commission's Rules of Practice and Procedure (18 CFR 385.206) and the Procedural Rules Applicable to Oil Pipeline Procedures (18 CFR 343, *et seq.*), Ultramar Inc. (Ultramar) filed a Complaint and Motion for Consolidation in the above captioned proceeding. Ultramar alleges that Calnev Pipe Line, L.L.C. (Calnev) has violated the Interstate Commerce Act, 49 U.S.C. App. § 1, *et seq.*, by charging unjust and unreasonable rates for Calnev's jurisdictional interstate services associated with its lines originating at Colton in San Bernardino County, California, to stations at two interstate destinations in Clark County, Nevada, one at McCarran Field and the other at North Las Vegas as more fully set forth in the Complaint. To the extent that any of Calnev's rates may be deemed just and reasonable under § 1803 of the Energy Policy Act of 1992, Public Law 102–486, 106 Stat. 2776 (1992), Ultramar alleges that there has been a substantial change in the economic circumstances on which the rates are based.

Ultramar requests that the Commission: (1) Examine the challenged rates and charges collected by Calnev for its jurisdictional interstate services; (2) order reparations to Ultramar, including appropriate interest thereon, for the applicable reparation periods to the extent the Commission finds that such rates or charges were unlawful; (3) determine just, reasonable, and nondiscriminatory rates for Calnev's jurisdictional interstate service; (4) award Ultramar reasonable attorneys' and experts' fees and costs; and (5) order such other relief as may be appropriate.

Ultramar states that it has served the Complaint on Calnev pursuant to Rule 206 of the Commission's Rules of

Practice and Procedure, 18 CFR 385.206(c). Calnev's response to this Complaint is due within 20 days of the filing of this Complaint pursuant to the Commission's Procedural Rules Applicable to Oil Pipeline Proceedings, 18 CFR 343.4.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests must be filed on or before February 7, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Answers to the complaint shall also be due on or before February 7, 2001. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 02–2098 Filed 1–28–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–145–000]

Williston Basin Interstate Pipeline Company; Notice of Tariff Filing

January 23, 2002.

Take notice that on January 15, 2002, Williston Basin Interstate Pipeline Company (Williston Basin), P.O. Box 5601, Bismarck, North Dakota 58506–5601, tendered for filing a revised tariff sheet to Second Revised Volume No. 1 of its FERC Gas Tariff to become effective February 1, 2002.

Williston Basin states that the revised tariff sheet reflects the termination of the GSR surcharge applicable to Rate Schedule FT–1 effective February 1, 2002.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. *See*, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 02–2106 Filed 1–28–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3052–003 –Wisconsin]

City of Black River Falls, WI; Notice of Availability of Envrionmental Assessment

January 23, 2002.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the application for a subsequent minor license for the Black River Falls Project located on the Black River, in Jackson County, Wisconsin, and has prepared an Environmental Assessment (EA) for the project. In the EA, the Commission's staff has analyzed the potential environmental effects of the project and has concluded that approval of the project, with appropriate environmental measures, would not constitute a major federal action significantly affecting the quality of the human environment.

A copy of the EA is on file with the Commission and is available for public inspection. The EA may also be viewed on the Web at *http://www.ferc.gov* using the ''RIMS'' link—select ''Docket #'' and follow the instructions (call 202–208–2222 for assistance).

Any comments should be filed within 30 days from the date of this notice and should be addressed to the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Room 1–A, Washington, DC 20426. Please affix ''Black River Falls Project No. 3052'' to all comments. Comments may be filed electronically via the Internet in lieu of paper. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. For further information, contact Susan O'Brien at (202) 219–2840.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 02–2100 Filed 1–28–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP02–57–000]

SCG Pipeline, Inc.; Notice of Intent To Prepare an Environmental Assessment for the Proposed SCG Pipeline Project and Request for Comments on Environmental Issues

January 23, 2002.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the SCG Pipeline Project involving construction and operation of facilities by SCG Pipeline, Inc. (SCG) in Chatham and Effingham Counties, Georgia and Jasper County, South Carolina.[1] These facilities would consist of about 18.2 miles of 20-inch-diameter pipeline and appurtenant facilities. In addition, SCG seeks to acquire capacity in certain facilities owned by Southern Natural Gas Company (Southern). This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by

[1] SCG's application was filed with the Commission under section 7 of the Natural Gas Act and part 157 of the Commission's regulations.

the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' was attached to the project notice SCG provided to landowners. This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet Web site (*www.ferc.gov*).

Summary of the Proposed Project

SCG proposes to construct and operate about 18.2 miles of 20-inch-diameter pipeline and appurtenant facilities extending from an interconnect with Southern's pipeline system in Port Wentworth, Georgia to a terminus in Jasper County, South Carolina. SCG also seeks authority to acquire capacity in Southern's existing 13.25-mile-long, 30-inch-diameter twin pipelines which extend between Elba Island, Georgia and SCG's proposed interconnection at Port Wentworth, Georgia. SCG would construct and maintain meter stations at the interconnection with Southern's pipeline system in Port Wentworth, Georgia and at the pipeline terminus in Jasper County, South Carolina.

The capacity of the SCG Pipeline Project would be 190,000 Mcf per day, and the primary source of natural gas would be imported liquefied natural gas (LNG) from the Elba Island LNG terminal in Savannah, Georgia. SCG's interconnection at Port Wentworth also provides the capability to receive up to 90,000 Mcf per day from Southern's Savannah Lateral in the event that Elba Island LNG supply is unavailable.

The SCG Pipeline Project would interconnect with two nonjurisdictional projects at its proposed terminus in Jasper County, South Carolina: a new electric generation facility planned by South Carolina Electric & Gas Company (SCE&G) and an expansion and extension of an existing intrastate pipeline system planned by South Carolina Pipeline Corporation (SCPC). SCE&G's planned 875 megawatt electric generation facility is located about 5 miles north of Hardeeville, South Carolina. SCPC's planned 16- and 20-inch-diameter pipeline facilities would consist of 43 miles of loop on its existing system and 39 miles of new pipeline. SCPC's 82-mile-long pipeline facilities would extend from the SCG Pipeline Project receipt point to an interconnection with SCPC's existing pipeline system in Dorchester County, South Carolina.

The location of the SCG Pipeline Project facilities is shown in appendix 1.[2]

Land Requirements for Construction

Construction of the proposed facilities would require about 275.7 acres of land for construction right-of-way, extra workspaces, and contractor yards. Following construction, about 107.2 acres would be maintained as permanent right-of-way and new aboveground facility sites. The remaining 168.5 acres of temporary workspace would be restored and allowed to revert to its former use.

The nominal construction right-of-way for the pipeline would be 100 feet wide, with 50 feet retained as permanent right-of-way. About 91 percent of the pipeline route would parallel existing transportation or energy rights-of-way, and 50 feet of SCG's construction right-of-way would generally overlap these existing maintained rights

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us[3] to discover and address concerns the public may have about proposals. We call this ''scoping''. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils
- Water resources, fisheries, and wetlands
- Vegetation and wildlife
- Air quality and noise
- Land use
- Cultural resources
- Endangered and threatened species
- Public safety

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the public participation section beginning on page 5.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by SCG. This preliminary list of issues may be changed based on your comments and our analysis.

- Twelve perennial waterbodies are crossed by the pipeline, including the Savannah River.
- About 49 acres of wetlands, including 33.4 acres of forested wetlands, are affected by construction of the pipeline.
- Eight single-family residences are within 50 feet of the proposed pipeline construction corridor.

Also, we have made a preliminary decision to not address the impacts of the nonjurisdictional facilities. We will briefly describe their location and status in the EA.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project.

[2] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available on the Commission's Web site at the ''RIMS'' link or from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, NE., Washington, DC 20426, or call (202) 208–1371. For instructions on connecting to RIMS refer to the last page of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

[3] ''We'', ''us'', and ''our'' refer to the environmental staff of the Office of Energy Projects (OEP).

By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

• Send an original and two copies of your letter to: Linwood A. Watson, Jr., Acting Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426.

• Label one copy of the comments for the attention of the Gas 1, PJ–11.1.

• Reference Docket No. CP02–57–000.

• Mail your comments so that they will be received in Washington, DC on or before February 25, 2002.

Comments may also be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov* under the ''e-Filing'' link and the link to the User's Guide. Before you can file comments you will need to create an account which can be created by clicking on ''Login to File'' and then ''New User Account.'' Due to current events, we cannot guarantee that we will receive mail on a timely basis from the U.S. Postal Service, and we do not know how long this situation will continue. However, we continue to receive filings from private mail delivery services, including messenger services, in a reliable manner. The Commission encourages electronic filing of any comments or interventions or protests to this proceeding. We will include all comments that we receive within a reasonable time frame in our environmental analysis of this project.

If you do not want to send comments at this time but still want to remain on our mailing list, please return the Information Request (appendix 3). If you do not return the Information Request, you will be taken off the mailing list.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an ''intervenor''. Intervenors play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to rule 214 of the Commission's rules of practice and procedure (18 CFR 385.214) (see appendix 2).[4] Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

Additional information about the proposed project is available from the Commission's Office of External Affairs at (202) 208–1088 or on the FERC Web site (*www.ferc.gov*) using the ''RIMS'' link to information in this docket number. Click on the ''RIMS'' link, select ''Docket #'' from the RIMS Menu, and follow the instructions. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208–2222.

Similarly, the ''CIPS'' link on the FERC Internet Web site provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet Web site, click on the ''CIPS'' link, select ''Docket #'' from the CIPS menu, and follow the instructions. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208–2474.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 02–2092 Filed 1–28–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

January 23, 2002.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment of License to delete license article 404.

b. *Project No:* 6939–107.

c. *Date Filed:* December 3, 2001.

d. *Applicant:* City of Jackson, Ohio and certain Ohio Municipalities.

e. *Name of Project:* Belleville Hydroelectric Project.

f. *Location:* The project is located on the Ohio River in Wood County, West Virgina.

g. *Filed Pursuant to:* Federal Power Act, 16 USC 791 (a) 825(r) and 799 and 801.

h. Applicant Contact: Marc S. Gerken, President, American Municipal Power-Ohio, Inc., 2600 Airport Drive, Columbus, Ohio 43219, (614) 337–6222.

i. *FERC Contact:* Any questions on this notice should be addressed to Mr. Thomas LoVullo at (202) 219–1168, or e-mail address: *thomas.lovullo@ferc.gov.*

j. *Deadline for filing comments, motions to intervene and protest:* February 24, 2002.

All documents (an original and eight copies) should be filed with: Linwood A. Watson, Jr., Acting Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Please include the project number (P–6939–107) on any comments or motions filed.

k. *Description of Request:* The City of Jackson requests that the remaining prospective requirements of license article 404, in particular the performance of a fish mortality study and the possible provision of compensatory mitigation, be deleted from the license. The City of Jackson stated that it submitted its request due to significantly changed circumstances including the non-construction of numerous projects in the Upper Ohio River Basin, and a substantial change in the Federal Energy Regulatory Commission's policy regarding fish studies and compensation since the license was issued in 1989.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. This filing may also be viewed on the Web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to

[4] Interventions may also be filed electronically via the Internet in lieu of paper. See the previous discussion on filing comments electronically.

intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

q. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov* under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 02–2101 Filed 1–28–02; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7135–2]

Agency Information Collection Activities: Proposed Collection; Comment Request; Nonconformance Penalties for Heavy-Duty Engines and Heavy-Duty Vehicles, Including Light-Duty Trucks

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following proposed Information Collection Request (ICR) to the Office of Management and Budget (OMB): Nonconformance Penalties for Heavy-Duty Engines and Heavy-Duty Vehicles, Including Light-Duty Trucks, ICR 1285.05, OMB Control Number 2060–0132, expired 5/31/1997, reinstatement. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before April 1, 2002.

ADDRESSES: Office of Transportation and Air Quality, Certification and Compliance Division, Engine Programs Group, 1200 Pennsylvania Avenue, NW., Mail Code 6403J, Washington, DC 20460. Interested persons may request a copy of the ICR without charge from the contact person below.

FOR FURTHER INFORMATION CONTACT: Anthony Erb, tel.: (202) 564–9259; fax: (202) 565–2057: or e-mail: *erb.anthony @epa.gov*.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those which manufacture heavy-duty engines and vehicles including light-duty trucks.

Title: Nonconformance Penalties for Heavy-Duty Engines and Heavy-Duty Vehicles, Including Light-Duty Trucks; OMB Control No. 2060–0132; EPA ICR No.1285.05, expired 5/31/1997, reinstatement.

Abstract: Section 206(g) of the Act as amended in 1990 contains the nonconformance penalty (NCP) provisions. It requires tests of production engines and vehicles to determine the extent of their nonconformity. Nonconformance penalties allow a manufacturer to introduce into commerce heavy-duty engines or vehicles including light-duty trucks, which fail to conform with certain emission standards upon payment of a monetary penalty. A manufacturer that elects to pay a nonconformance penalty must perform a Production Compliance Audit (PCA). The collection activities of the nonconformance penalty program include periodic reports and other information (including the results of emission testing conducted during the PCA) which the manufacturer will create and submit to the Certification and Compliance Division (CCD), Office of Transportation and Air Quality (OTAQ), Office of Air and Radiation (OAR). CCD will use this information to ensure that manufacturers are complying with the regulations and that appropriate nonconformance penalties are being paid. Responses to this collection are voluntary based on the fact that participation in the nonconformance penalty program is an option that is available to manufacturers. Once a manufacturer opts to participate, specific regulatory requirements must be fulfilled in order to obtain a benefit under the NCP. Confidentiality of proprietary information is granted in accordance with the Freedom of Information Act, EPA regulations at 40 CFR part 2, and class determinations issued by EPA's Office of General Counsel. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement:

Respondents/Affected Entities: Engine manufacturers.

Estimated Number of Respondents: 6.

Frequency of Response: 49.

Estimated Total Annual Hour Burden: 920 hours.

Estimated Total Annualized Capital, O&M Cost Burden: $2400. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the

existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Dated: January 15, 2002.

Robert Brenner,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 02–2124 Filed 1–28–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7134–5]

Agency Information Collection Activities: Proposed Collection; Comment Request; Eliciting Risk Tradeoffs for Valuing Fatal Cancer Risks

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following proposed Information Collection Request (ICR) to the Office of Management and Budget (OMB): Eliciting Risk Tradeoffs for Valuing Fatal Cancer Risks, EPA ICR 2057.01. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before April 1, 2002.

ADDRESSES: Dr. Melonie Williams, National Center for Environmental Economics, US EPA, Mail Code 1809, 1200 Pennsylvania Ave. NW., Washington, DC, 20460. Interested persons may obtain a copy of the ICR without charge by contacting Dr. Williams at 202–260–7978 or *williams.melonie@epa.gov*.

FOR FURTHER INFORMATION CONTACT: Dr. Chris Dockins at 202–260–5728 or *dockins.chris@epa.gov*.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those individuals who are contacted and voluntarily agree to participate in the survey. The survey pool will be a pre-established panel of respondents who have been randomly recruited from the general public by Knowledge Networks, Inc. or other web-based survey research firm. Typically, respondents have agreed with the survey research firm to participate in periodic web-based surveys. None of the other surveys conducted by the firm administering this survey will be related to this study.

Title: Eliciting Risk Tradeoffs for Valuing Fatal Cancer Risks (EPA ICR No. 2057.01).

Abstract: It is widely recognized that reductions in cancer risks are among the most important and tangible benefits resulting from a variety of environmental, food safety and other public health initiatives. Nevertheless, assessing these benefits in monetary terms remains a challenge. In July 2000, the United States Environmental Protection Agency's (USEPA's) Science Advisory Board (SAB) concluded that most existing estimates valuing the benefits of reductions in mortality risks ''should not be taken as precise estimates for the value of reducing the risks of fatal cancers, because of differences in the nature of the risks being valued * * *.'' They also commended efforts ''to develop systematic and credible approaches to improved valuation of the benefits of fatal cancer risk reduction.'' (USEPA, 2000). The purpose of this proposed survey is to extend these efforts.

Through a cooperative agreement, EPA's Office of Policy, Economics and Innovation (OPEI) and Research Triangle Institute (RTI) have designed and are proposing to conduct a nationwide survey of adult individuals. The focus of this survey is to elicit their relative preferences for reducing two types of potentially very different mortality risks—risk of automobile death and risk of contracting a fatal cancer. The existing empirical literature on mortality risk values has focused almost exclusively on accidental (occupational and/or automobile) deaths, because individuals regularly reveal information on their values for avoiding these types of risks through job choices and consumer purchases. However, as the SAB has concluded, these values may not be directly applicable for valuing avoided cancer risks. In contrast to accidental deaths, fatal cancer risks may involve a long delay between exposure to a carcinogen and the first symptoms of disease (latency period), and death may only occur after several years of suffering with the disease (morbidity period).

The proposed survey will explore individuals' tradeoffs between the two types of risks. It will apply established stated preference research methods, and the resulting survey data will be used to estimate (1) how strongly individuals prefer reducing one type of risk over the other, (2) how this strength of preference is affected by the length of the morbidity and latency periods, (3) and how preferences differ across different types of cancer. These estimates will help to provide researchers and policy analysts with a systematic and credible basis for adjusting existing mortality risk values. Such adjustments will be particularly useful for assessing the benefits of reducing fatal cancer risks, but they will also be relevant in assessing the benefits of reducing other types of fatal risks that involve extended latency and/or morbidity periods.

The data collected through this survey will greatly benefit any agency or organization that has a role in protecting the public against fatal cancer risks and/or an interest in evaluating the resulting gains to society. Evaluations of this type are required under executive orders (Executive Order 12866) and a broad array of federal statutes, including the 1996 Safe Drinking Water Act (SDWA) Amendments, the Toxic Substances Control Act (TSCA), the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA), the Food Quality Protection Act (FQPA), and the Unfunded Mandates Reform Act (UMRA). Federal agencies with a particular interest in assessing the benefits of reductions in fatal cancer incidence include not only the USEPA, but the Department of Health and Human Services (DHHS) (especially the Food and Drug Administration [FDA]), the Department of Agriculture (USDA), the Office of Management and Budget(OMB), and the Congressional Budget Office(CBO) as well. Many agencies and departments must also evaluate the benefits of their own risk reduction policies. The methodology proposed for this research will also provide a model for future researchers with an interest in exploring individuals values and tradeoffs between different types of health improvements.

A thorough pretest of the survey will be conducted using 250 respondents. For the full scale survey, information will be collected from an additional 2000 respondents. The survey is designed to collect information through an established panel of respondents, using a WebTV mode of administration. The data will be collected and stored electronically by the survey research firm. Based on previous experience and a limited number of cognitive pretest interviews, each survey will take approximately 25 minutes.

Responses to the survey will be voluntary. Typically, panel members are free to choose whether or not to respond

to any particular survey as long as they meet survey quotas set in their agreement with the web-based survey research firm. In collaboration with Knowledge Networks, RTI has developed a plan for assuring the confidentiality of participants. Under this plan, the survey will fully conform to federal regulations—specifically, the Privacy Act of 1974 (5 U.S.C. 552a), Privacy Act Regulations (34 CFR part 5b), the Hawkins-Stafford Amendments of 1988 (Public Law 100–297), and the Computer Security Act of 1987. The plan for maintaining confidentiality includes signing confidentiality agreements and notarized nondisclosure affidavits obtained from all personnel who will have access to individual identifiers. Also included in the plan is personnel training regarding the meaning of confidentiality, particularly as it relates to handling requests for information and providing assurance to respondents about the protection of their responses; controlled and protected access to computer files under the control of a single data base manager; built-in safeguards concerning status monitoring and receipt control systems; and a secured and operator-manned in-house computing facility. Data files and documentation will be delivered to RTI and EPA at the end of the project, but no names or addresses will be included on any data file. A locator database for these sample members will be maintained by the survey research firm in a separate and secure location. All data collection elements and procedures will be reviewed by RTI's Committee for the Protection of Human Subjects. This committee serves as RTI's Institutional Review Board (IRB) as required by 45 CFR part 46. It is the policy of RTI that the IRB review all research involving human subjects in a manner consistent with the regulations in 45 CFR part 46 and regardless of funding source to ensure that all RTI studies involving human populations comply with applicable regulations concerning informed consent, confidentiality, and protection of privacy.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

The EPA would like to solicit comments in order to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Burden Statement: Because the proposed survey will take advantage of the existing and pre-recruited panel of WebTV respondents, the only burden imposed by the survey on respondents will be the time required to take the survey. Based on pretest interviews, the survey authors estimate that this will involve an average of 25 minutes per respondent. With 250 respondents for the pilot survey, and 2000 respondents for the full-scale survey, this will involve a total of 937.5 hours. Since the survey is a one-time collection, this represents both an annual and a total burden estimate. Based on an average hourly wage of $22.15 (including employer costs of all employee benefits), the survey authors expect that the average per-respondent cost for the pilot survey will be $9.23 and the corresponding one-time total cost to all respondents will be $20,765.00. Since this information collection is voluntary and does not involve any additional special equipment, respondents will not incur any capital or operation and maintenance (O&M) costs.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Dated: January 4, 2002.

Al McGartland,

Director, National Center for Environmental Economics, Office of Policy Economics and Innovation.

[FR Doc. 02–2126 Filed 1–28–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7135–1]

Official Release of the MOBILE6 Motor Vehicle Emissions Factor Model

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: EPA is approving and announcing the availability of the MOBILE6 motor vehicle emissions factor model for official use outside of California. MOBILE6 is the latest update to the MOBILE model for use by state and local governments to meet Clean Air Act requirements. Today's notice also starts time periods before MOBILE6 is required to be used in certain state implementation plan (SIP) revisions and all new transportation conformity analyses.

MOBILE6 is a major revision of the MOBILE model which calculates air pollution emission factors from passenger cars and trucks. The new model is based on new and improved data and a new understanding of vehicle emission processes. MOBILE6 is also a more user-friendly version of the model which allows users to better tailor their motor vehicle emissions estimates to local conditions.

EPA strongly encourages areas to use the interagency consultation process to examine how MOBILE6 will affect future transportation conformity determinations, so, if necessary, SIPs and motor vehicle emissions budgets can be revised with MOBILE6 or transportation plans and programs can be revised as appropriate prior to the end of the MOBILE6 conformity grace period.

DATES: EPA's approval of the MOBILE6 emissions factor model is effective January 29, 2002. See below for further information regarding how today's approval starts time periods after which MOBILE6 is required in new transportation conformity analyses and certain SIP and motor vehicle emissions budget revisions.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, please send an e-mail to EPA at *mobile@epa.gov* or contact EPA at (734) 214–4636 for technical model questions.

SUPPLEMENTARY INFORMATION:

Availability of MOBILE6 and Support Materials

Copies of the official version of the MOBILE6 model are available on EPA's MOBILE Web site, *http://www.epa.gov/otaq/m6.htm.* The MOBILE Web site also contains the following support materials for implementing the new model: a detailed MOBILE6 User's Guide; MOBILE6 training materials; EPA's ''Policy Guidance on the Use of MOBILE6 for SIP Development and Transportation Conformity'; EPA's ''Technical Guidance on the Use of MOBILE6 for Emission Inventory Preparation'; and a list of Frequently Asked Questions about MOBILE6. EPA will continue to update this website in the future as other MOBILE6 support materials are developed.

Individuals who wish to receive EPA announcements related to the MOBILE model should subscribe to the EPA-MOBILENEWS e-mail listserver. To subscribe to the EPA-MOBILENEWS listserver, write the following in the body of the e-mail message: subscribe EPA-MOBILENEWS FIRSTNAME LASTNAME where FIRSTNAME and LASTNAME is your name (for example: John Smith) and send the e-mail to the EPA Listserver at *listserver@unixmail.rtpnc.epa.gov.*

Your e-mail address will then be added to the list of subscribers and a confirmation message will be sent to your e-mail address. Whenever a message is posted to the EPA-MOBILENEWS listserver by the listserver owner (the Assessment and Standards Division of the EPA Office of Transportation and Air Quality), a copy of that message will be sent to every person who has subscribed.

You can remove yourself from the list by sending another message to the listserver address. This message must be sent from the same e-mail address that you used to subscribe, and should contain the message: unsubscribe EPA-MOBILENEWS

Availability of Related SIP Policies

In November 1999, EPA issued two memoranda articulating the policy for use of interim MOBILE5-based Tier 2 estimates and subsequent MOBILE6 SIP revisions. These memoranda are discussed in question 3 of EPA's ''Policy Guidance on the Use of MOBILE6 for SIP Development and Transportation Conformity.'' Copies of the memoranda are available at EPA's transportation conformity Web site, *http://www.epa.gov/otaq/transp/traqconf.htm.*

I. What Is MOBILE6?

MOBILE is an EPA emissions factor model for estimating pollution from on-road motor vehicles in states outside of California. MOBILE calculates emissions of volatile organic compounds (VOCs), nitrogen oxides (NO_X) and carbon monoxide (CO) from passenger cars, motorcycles, buses, and light-duty and heavy-duty trucks. The model accounts for the emission impacts of factors such as changes in vehicle emission standards, changes in vehicle populations and activity, and variation in local conditions such as temperature, humidity, fuel quality, and air quality programs.

MOBILE is used to calculate current and future inventories of motor vehicle emissions at the national and local level. These inventories are used to make decisions about air pollution policies and programs at the local, state and national level. Inventories based on MOBILE are also used to meet the federal Clean Air Act's state implementation plan (SIP) and transportation conformity requirements.

MOBILE6 is the first major update of the MOBILE model since 1993. The MOBILE model was first developed in 1978. It has been updated many times to reflect changes in the vehicle fleet and fuels, to incorporate EPA's growing understanding of vehicle emissions, and to cover new emissions regulations and modeling needs. Although some minor updates were made in 1996 with the release of MOBILE5b, MOBILE6 is the first major revision to MOBILE since MOBILE5a was released in 1993.

EPA produced 48 technical reports explaining the data and analysis behind the MOBILE6 estimates and the methods in the model. State and local governments, industry, academia, and the general public were previously offered an opportunity to comment on MOBILE6 technical reports, which are currently posted on EPA's MOBILE6 Web site *http://www.epa.gov/otaq/m6.htm.*

MOBILE6 provides many more options for users to incorporate local inputs than were possible in MOBILE5a or MOBILE5b. These new options are provided for implementers to use if desired, and MOBILE6 defaults are appropriate when local information is not available for MOBILE6 purposes. Users now have the option to adapt MOBILE to local conditions and model special situations that are not reflected in the model's defaults. MOBILE6 also has an updated structure that allows users to create result files with emissions by hour of the day, and to segregate start and running emissions. The new output uses standard database formats to allow users to easily post-process their results. These features will be useful for entering the emissions data into air quality models and other tools that make use of motor vehicle emission inventories. For further information regarding operating MOBILE6, please refer to the MOBILE6 User's Guide and EPA's ''Technical Guidance on the Use of MOBILE6 for Emission Inventory Preparation.'' Please see *Availability of MOBILE6 and Support Materials* for how to obtain these documents.

II. SIP Policy for MOBILE6

EPA has articulated its policy regarding the use of MOBILE6 in SIP development in its ''Policy Guidance on the Use of MOBILE6 for SIP Development and Transportation Conformity.'' Today's notice highlights certain aspects of the guidance, but state and local governments should refer to the guidance for more detailed information on how and when to use MOBILE6 in attainment and maintenance SIPs, inventory updates, and other SIP submission requirements. See *Availability of Related SIP Policies* to obtain the MOBILE6 policy guidance.

Although MOBILE6 should be used in SIP development as expeditiously as possible, EPA also recognizes the time and level of effort that States have already undertaken in SIP development with MOBILE5. States that have already submitted SIPs or will submit SIPs shortly after EPA's approval of MOBILE6 are not required to revise these SIPs simply because a new motor vehicle emissions model is now available. States can choose to use MOBILE6 in these SIPs, for example, if it is determined that future conformity determinations would be ensured through such a SIP revision. However, EPA does not believe that a State's use of MOBILE5 should be an obstacle to EPA approval for SIPs that have been or will soon be submitted, assuming that such SIPs are otherwise approvable and significant SIP work has already occurred (*e.g.,* attainment modeling for an attainment SIP has already been completed with MOBILE5). It would be unreasonable to require States to revise these SIPs with MOBILE6 since significant work has already occurred, and EPA intends to act on these SIPs in a timely manner.

States should use MOBILE6 where SIP development is in its initial stages or hasn't progressed far enough along that switching to MOBILE6 would create a significantly adverse impact on State resources. For example, SIPs that will be submitted later in 2002 should be based on MOBILE6 since there is

adequate time to incorporate the new model's results. MOBILE6 should be incorporated into these SIPs since MOBILE6's emissions estimates are based on the best information currently available, as required by Clean Air Act section 172(c)(3) and 40 CFR 51.112(a)(1).

In addition, SIPs that EPA has already approved are not required to be revised in most areas now that EPA has approved MOBILE6. As discussed below, there are exceptions for certain nonattainment and maintenance areas that have included interim MOBILE5-based estimates of the federal Tier 2 vehicle and fuel standards (65 FR 6698).

In November of 1999, EPA issued two memoranda [1] to articulate its policy regarding States that incorporated MOBILE5-based interim Tier 2 standard benefits into their SIPs and motor vehicle emissions budgets (''budgets''). Although these memoranda primarily targeted certain serious and severe ozone nonattainment areas, EPA has implemented this policy in all other areas that have made use of federal Tier 2 benefits in air quality plans from EPA's April 2000 MOBILE5 guidance, ''MOBILE5 Information Sheet #8: Tier 2 Benefits Using MOBILE5.''

All States whose attainment demonstrations or maintenance plans include interim estimates of the Tier 2 standards have committed to revise and resubmit their budgets within either 1 or 2 years of the final release of MOBILE6 in order to gain SIP approval. States that committed to revise their budgets within 2 years after MOBILE6 is released also committed that conformity will not be determined during the second year unless there are adequate SIP budgets in place that were developed using MOBILE6. The effective date of today's **Federal Register** notice will constitute the start of the 1 or 2-year time periods for these SIP revisions. SIP revisions are due by January 29, 2003, for States that committed to revise budgets within one year of MOBILE6's release. SIP revisions are due by January 29, 2004, for States that committed to revise budgets within two years of MOBILE6's release.

III. Transportation Conformity Policy for MOBILE6

Transportation conformity is a Clean Air Act requirement to ensure that federally supported highway and transit activities are consistent with (''conform to'') the SIP. Conformity to a SIP means that a transportation activity will not cause or contribute to new air pollution violations; worsen existing violations; or delay timely attainment of federal air quality standards.

The transportation conformity rule (40 CFR part 93) requires that conformity analyses be based on the latest motor vehicle emissions model approved by EPA. Section 176(c)(1) of the Clean Air Act states that ''. . . [t]he determination of conformity shall be based on the most recent estimates of emissions, and such estimates shall be determined from the most recent population, employment, travel, and congestion estimates. . . .'' When we approve a new emissions model such as MOBILE6, a grace period is established before the model is required for conformity analyses. The conformity rule provides for a grace period for new emissions models of between 3–24 months.

EPA articulated its intentions for establishing the length of a conformity grace period in the preamble to the 1993 transportation conformity rule (58 FR 62211):

> EPA and [the Department of Transportation (DOT)] will consider extending the grace period if the effects of the new emissions model are so significant that previous SIP demonstrations of what emission levels are consistent with attainment would be substantially affected. In such cases, States should have an opportunity to revise their SIPs before MPOs must use the model's new emissions factors.

In consultation with the DOT, EPA considers many factors in establishing the length of the grace period, including the degree of change in emissions models and the effects of the new model on the transportation planning process (40 CFR 93.111).

Upon consideration of all of these factors, EPA is establishing a 2-year grace period, which begins today and ends on January 29, 2004, before MOBILE6 is required for new conformity analyses in most cases. During this grace period, areas should use the interagency consultation process to examine how MOBILE6 will impact their future conformity determinations.

However, the grace period will be shorter than 2 years for a given pollutant if an area revises its SIP and budgets with MOBILE6 and such budgets become applicable for conformity purposes prior to the end of the 2-year grace period. For example, if an area revises a previously submitted (but not approved) MOBILE5-based ozone SIP with MOBILE6 and EPA finds the revised MOBILE6 budgets adequate for conformity, such budgets would apply for conformity on the effective date of the **Federal Register** notice announcing EPA's adequacy finding. In this example, if an area was in nonattainment for ozone and CO, the MOBILE6 grace period would end for ozone once EPA found the new MOBILE6-based ozone SIP budgets adequate, but MOBILE5 could continue to be used for CO conformity determinations until the end of the general MOBILE6 grace period.

During the grace period, areas can use an approved version of MOBILE5 [2] for conformity determinations or choose to use MOBILE6 on a faster time frame. When the grace period ends on January 29, 2004, MOBILE6 will become the only approved motor vehicle emissions model for new transportation conformity analyses outside of California. In general, this means that all new VOC, NO_X, and CO conformity analyses started after the end of the 2-year grace period must be based on MOBILE6, even if the SIP is based on an earlier version of the MOBILE model. As discussed above, the grace period for new conformity analyses would be shorter for a given pollutant if an area revised its SIP and budgets with MOBILE6 for such pollutant and such budgets became applicable for conformity purposes prior to the end of the 2-year grace period. EPA strongly encourages areas to use the consultation process to examine how MOBILE6 will affect future conformity determinations, so, if necessary, SIPs and budgets can be revised with MOBILE6 or transportation plans and programs can be revised as appropriate prior to the end of the grace period.

For consistency purposes, EPA encourages areas that have incorporated interim MOBILE5-based Tier 2 estimates into their SIPs to continue to use MOBILE5 (instead of MOBILE6) for conformity analyses until new MOBILE6 budgets are submitted and found adequate (unless the grace period ends before this occurs). These areas have committed to submit SIP revisions within 1–2 years of MOBILE6's release, therefore conformity budgets based on MOBILE6 should be in place by the end of the grace period.

Finally, the conformity rule provides some flexibility for analyses that are started before or during the grace period. Regional conformity analyses

[1] November 3, 1999 EPA memorandum entitled, ''Guidance on Motor Vehicle Emissions Budgets in One-Hour Ozone Attainment Demonstrations,'' and November 8, 1999 EPA memorandum entitled, ''1-Hour Ozone Attainment Demonstrations and Tier 2/Sulfur Rulemaking.'' Please see *Availability of Related SIP Policies* for how to obtain these memoranda.

[2] Please refer to EPA's Office of Transportation and Air Quality's August 11, 1997 memorandum entitled, ''Summary of Comments on and Guidance for Use of MOBILE5b,'' which describes our policy on when MOBILE5a or 5b can be used in conformity determinations.

that began before the end of the grace period may continue to rely on an approved version of MOBILE5. Conformity determinations for transportation projects may also be based on an approved version of MOBILE5 if the regional analysis was begun before the end of the grace period, and if the final environmental document for the project is issued no more than three years after the issuance of the draft environmental document (*see* 40 CFR 93.111(c)). The interagency consultation process should be used if it is unclear whether a MOBILE5-based analysis was begun before the end of the grace period.

Dated: January 23, 2002.

Margo Tsirigotis Oge,

Director, Office of Transportation and Air Quality, United States Environmental Protection Agency.

[FR Doc. 02–2125 Filed 1–28–02; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY:

Background.—On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act, as per 5 CFR 1320.16, to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320 Appendix A.1. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the OMB 83–Is and supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Request for comment on information collection proposals.—The following information collections, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collections, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected; and

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments must be submitted on or before April 1, 2002.

ADDRESSES: Comments may be mailed to Ms. Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551. However, because paper mail in the Washington area and at the Board of Governors is subject to delay, please consider submitting your comments by e-mail to *regs.comments@federalreserve.gov*, or faxing them to the Office of the Secretary at 202–452–3819 or 202–452–3102. Comments addressed to Ms. Johnson may also be delivered to the Board's mail facility in the West Courtyard between 8:45 a.m. and 5:15 p.m., located on 21st Street between Constitution Avenue and C Street, NW. Members of the public may inspect comments in Room MP–500 between 9 a.m. and 5 p.m. on weekdays pursuant to 261.12, except as provided in 261.14, of the Board's Rules Regarding Availability of Information, 12 CFR 261.12 and 261.14.

A copy of the comments may also be submitted to the OMB desk officer for the Board: Alexander T. Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form and instructions, the Paperwork Reduction Act Submission (OMB 83–I), supporting statement, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below.

Mary M. West, Federal Reserve Board Clearance Officer, (202) 452–3829, Division of Research and Statistics, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may contact Capria Mitchell (202) 872–4984, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551.

Proposal To Approve Under OMB Delegated Authority the Extension for Three Years, Without Revision, of the Following Reports

1. *Report titles:* Registration Statement for Persons Who Extend Credit Secured by Margin Stock (Other Than Banks, Brokers, or Dealers); Deregistration Statement for Persons Registered Pursuant to Regulation U; Statement of Purpose for an Extension of Credit Secured by Margin Stock by a Person Subject to Registration Under Regulation U; Annual Report; Statement of Purpose for an Extension of Credit by a Creditor; and Statement of Purpose for an Extension of Credit Secured by Margin Stock.

Agency form numbers: FR G–1, FR G–2, FR G–3, FR G–4, FR T–4, FR U–1.

OMB control numbers: 7100–0011: FR G–1, FR G–2, FR G–4; 7100–0018: FR G–3; 7100–0019: FR T–4; and 7100–0115: FR U–1.

Frequency: FR G–1, FR G–2, FR G–3, FR T–4, and FR U–1: on occasion FR G–4: annual.

Reporters: Individuals and business.

Annual reporting hours: 1,901 reporting; 252,978 recordkeeping.

Estimated average hours per response: FR G–1: 2.5 hours; FR G–2: 15 minutes; FR G–3: 10 minutes; FR G–4: 2.0 hours; FR T–4: 10 minutes; and FR U–1: 10 minutes.

Number of respondents: FR G–1: 98; FR G–2: 65; FR G–3: 500; FR G–4: 820; FR T–4: 250; and FR U–1: 6,971.

Small businesses are affected.

General description of report: These information collections are mandatory (15 U.S.C. 78g). The information in the FR G–1 and FR G–4 is given confidential treatment (5 U.S.C. 552(b)(4)). The FR G–2 does not contain confidential information. The FR G–3, FR T–4, and FR U–1 are not submitted to the Federal Reserve and, as such, no issue of confidentiality arises.

Abstract: The Securities Exchange Act of 1934 ('34 Act) authorizes the Board to regulate securities credit issued by banks, brokers and dealers, and other lenders. The purpose statements, FR U–

1, FR T–4, and FR G–3, are recordkeeping requirements for banks, brokers and dealers, and other lenders, respectively, to document the purpose of their loans secured by margin stock. Other lenders also must register and deregister with the Federal Reserve using the FR G–1 and FR G–2, respectively, and must file an annual report (FR G–4). The Federal Reserve uses the data to identify lenders subject to Regulation U, to verify compliance with Regulations T, U, and X, and to monitor margin credit.

Proposal To Approve Under OMB Delegated Authority the Extension for Three Years, With Revision, of the Following Reports

1. *Report title:* Annual Daylight Overdraft Capital Report for U.S. Branches and Agencies of Foreign Banks.

Agency form number: FR 2225.

OMB control number: 7100–0216.

Frequency: Annual.

Reporters: Foreign banks with U.S. branches or agencies.

Annual reporting hours: 44.

Estimated average hours per response: 1.0.

Number of respondents: 44.

Small businesses are not affected.

General description of report: This information collection is voluntary (12 U.S.C. 248(i), 248–1, and 464) and is not given confidential treatment.

Abstract: This report was implemented in March 1986 as part of the procedures used to administer the Federal Reserve Board's Payments System Risk (PSR) policy. A key component of the PSR policy is a limit, or a net debit cap, on an institution's negative intraday balance in its Federal Reserve account. The Federal Reserve calculates an institution's net debit cap by applying the multiple associated with the net debit cap category to the institution's capital. For foreign banking organizations (FBOs), a percentage of the FBO's capital measure, known as the U.S. capital equivalency, is used to calculate the FBO's net debit cap. Currently, an FBO with U.S. branches or agencies may voluntarily file the FR 2225 to provide the Federal Reserve with its capital measure. Because an FBO that files the FR 2225 may be able to use its total capital in the net debit cap calculation, an FBO seeking to maximize its daylight overdraft capacity may find it advantageous to file the FR 2225. An FBO that does not file FR 2225 may use an alternative capital measure based on its nonrelated liabilities.

Current Actions: The Federal Reserve Board has revised its PSR policy regarding the calculation of an FBO's net debit cap, described in detail in the **Federal Register** notice published December 13, 2001 (66 FR 64419). The revised PSR policy modifies the criteria used to determine the U.S. capital equivalency for an FBO. There are no changes to the FR 2225 reporting form; however, the reporting instructions would be modified to correspond with the revised policy. The proposed revisions to the FR 2225 instructions would be effective during the first quarter of 2002 and are summarized below.

The revised PSR policy (1) eliminates the Basle Capital Accord (BCA) criteria and replaces it with the strength of support assessment (SOSA) rankings and financial holding company (FHC) status in determining U.S. capital equivalency for an FBO, (2) raises the percentage of capital used in calculating U.S. capital equivalency for certain FBOs, and (3) revises the definition of an alternative measure for U.S. capital equivalency. The SOSA ranking is composed of four factors, including the FBO's financial condition and prospects, the system of supervision in the FBO's home country, the record of the home country's government in support of the banking system or other sources of support for the FBO; and transfer risk concerns. Transfer risk relates to the FBO's ability to access and transmit U.S. dollars, which is an essential factor in determining whether an FBO can support its U.S. operations. The SOSA ranking is based on a scale of 1 through 3, with 1 representing the lowest level of supervisory concern.

Specifically, the revised PSR policy allows U.S. capital equivalency to equal the following:

- 35 percent of capital for FBOs that are FHCs;
- 25 percent of capital for FBOs that are not FHCs and have a strength of support assessment ranking (SOSA) of 1;
- 10 percent of capital for FBOs that are not FHCs and are ranked a SOSA 2;
- 5 percent of ''net due to related depository institutions'' for FBOs that are not FHCs and are ranked a SOSA 3.

2. *Report title:* Report of Net Debit Cap

Agency form number: FR 2226.

OMB control number: 7100–0217.

Frequency: Annual.

Reporters: depository institutions, Edge and agreement corporations, U.S. branches and agencies of foreign banks.

Annual reporting hours: 1,902.

Estimated average hours per response: 1.0.

Number of respondents: 1,902.

Small businesses are not affected.

General description of report: This information collection is mandatory (12 U.S.C. 248(i), 248-l, and 464) and may be accorded confidential treatment under the Freedom of Information Act (5 U.S.C. 552 (b)(4)).

Abstract: The Federal Reserve Board's Payment System Risk (PSR) policy relies in part on the efforts of individual institutions to identify, control, and reduce their exposure. The Federal Reserve collects these resolutions annually to provide information that is essential for their administration of the PSR policy. The Report of Net Debit Cap currently comprises three resolutions, located in Appendix B of the *Guide to the Federal Reserve's Payments System Risk Policy,* which are filed by an institution's board of directors depending on the institution's needs. Two of the three resolutions are used by institutions to establish a capacity for daylight overdrafts that is greater than the capacity that is typically assigned by a Reserve Bank. The first resolution is used to establish a self-assessed net debit cap, whereas the second resolution is used to establish a de minimis net debit cap. The third resolution is used by institutions to establish an interaffiliate transfer arrangement.

Current Actions: The Federal Reserve Board has revised its PSR policy regarding additional collateralized capacity and interaffiliate transfer arrangements described in detail in the **Federal Register** notice published December 13, 2001 (66 FR 64419). The Federal Reserve proposes to add a two-part model resolution to Appendix B used to establish additional collateralized capacity and eliminate the model resolution used to establish an interaffiliate transfer arrangement. In addition, the order of the model resolutions in Appendix B would be changed. The proposed revisions are described below in detail and would be effective during the first quarter of 2002.

Proposed Revisions to Appendix B

- *Collateralized Capacity* (3a)—Depository institutions with self-assessed net debit caps that request additional daylight overdraft capacity must submit, to their Administrative Reserve Banks, written justification to support the request for the additional capacity. In evaluating a depository institution's request, the Administrative Reserve Bank will review the institution's daylight overdraft levels and financial condition. If the Administrative Reserve Bank approves the request, the depository institution will need to file the proposed collateralized capacity resolution. This proposed resolution was designed to specify the amount, if any, of Reserve

Bank approved collateral pledged and the maximum daylight overdraft capacity amount.

• *Collateralized Capacity: Supplement for Securities In-transit* (3b)—If a depository institution has been approved to receive additional collateralized daylight overdraft capacity and pledges securities in transit to support the additional capacity, the depository institution would need to file a new resolution 3b. The Administrative Reserve Bank may accept securities in transit on the Fedwire book-entry securities system as collateral to support an institution's maximum daylight overdraft capacity level. Securities in transit refer to book-entry securities transferred over Fedwire's National Book-Entry System that have been purchased by a depository institution, but not yet paid for and owned by the institution's customers. In transit collateral differs from stable pool collateral in that the value of in transit collateral regularly fluctuates intraday where as the value of stable pool generally does not.

• *Inter-Affiliate Transfer Arrangements*—The rescission of the interaffiliate transfer policy rule is effective on December 31, 2001, at which time depository institutions would no longer be required to submit a resolution to establish an interaffiliate agreement.

The order of the model resolutions located in Appendix B would be changed to:

• De Minimis Cap;
• Self-Assessment Cap;
• Collateralized Capacity (3a);
• Collateralized Capacity: Supplement for Securities In-transit (3b);

3. *Report titles:* Application for Prior Approval to Become a Bank Holding Company, or for a Bank Holding Company to Acquire an Additional Bank or Bank Holding Company; Notice for Prior Approval to Become a Bank Holding Company, or for a Bank Holding Company to Acquire an Additional Bank or Bank Holding Company; and Notification for Prior Approval to Engage Directly or Indirectly in Certain Nonbanking Activities.

Agency form numbers: FR Y–3, FR Y–3N, and FR Y–4.

OMB control number: 7100–0121.

Frequency: Event-generated.

Reporters: Corporations seeking to become bank holding companies, or bank holding companies and state chartered banks that are members of the Federal Reserve System.

Annual reporting hours: 22,003.

Estimated average hours per response: FR Y–3, Section 3(a)(1): 49 hours; FR Y–3, Section 3(a)(3) and 3(a)(5): 59.5 hours; FR Y–3N, Sections 3(a)(1), 3(a)(3), and 3(a)(5): 5 hours; FR Y–4, complete notification: 12 hours; FR Y–4, expedited notification: 5 hours; and FR Y–4, post-consummation: 0.5 hours.

Number of respondents: 823.

Small businesses are affected.

General description of reports: This information collection is mandatory (12 U.S.C. 1842(a)(1), 1844(c), and 1843(c)(8)) and may be accorded confidential treatment under the Freedom of Information Act (5 U.S.C. 552 (b)(4)).

Abstract: The Federal Reserve requires the application and the notifications for regulatory and supervisory purposes and to allow the Federal Reserve to fulfill its statutory obligations under the Bank Holding Company Act of 1956 (the BHC Act). The forms collect information concerning proposed BHC formations, acquisitions, and mergers, and proposed nonbanking activities. The Federal Reserve must obtain this information to evaluate each individual transaction with respect to permissibility, competitive effects, adequacy of financial and managerial resources, net public benefits, and impact on the convenience and needs of affected communities.

Current Actions: Most of the proposed additions and substitutions to the FR Y–3 and the FR Y–3N and the proposed deletions to the FR Y–4 are necessary because of the passage of the Gramm-Leach-Bliley Act (GLB Act) in 1999. These proposed revisions are necessary since the organization submitting the filing may be seeking to become or already may be a financial holding company (FHC). The proposed revisions point out additional requirements that may apply to those types of organizations. The remaining proposed revisions to the FR Y–3 and the FR Y–3N are technical in nature and attempt to (1) further clarify the current application requirements for banking organizations, (2) ensure consistency of phrasing within the form, and, in several instances, (3) simply suggest effective means (such as early contact with the appropriate Reserve Bank) that generally reduce or avoid potential processing delays in the application process. The proposed revisions are discussed in detail below.

FR Y–3

The Instructions to the FR Y–3 would be modified to reflect that the applicant may either be, or seek to become, a FHC in connection with the proposed transaction. One of the proposed revisions directs the applicant to those portions of Regulation Y (sections 225.81 and 225.82, or sections 225.90, 225.91, and 225.92) that outline the requirements for a declaration that may be included as part of a FR Y–3 filing. Another proposed revision recognizes the need for a FHC, seeking to acquire a depository institution that is not well-capitalized or well-managed, to contact the appropriate Reserve Bank regarding the development and execution of an acceptable supervisory agreement. An agreement acceptable to the Board must outline the actions to be taken to address the target's deficiencies and outline any other limitations on the activities of the applicant that would apply until those deficiencies are satisfactorily addressed. Early contact regarding this requirement generally reduces overall burden on the applicant organization and avoids potential processing delays. Another proposed revision (question 11) recognizes the broader range of nonbanking activities (and related new authorities) that a BHC may initiate through a proposed transaction if it also is a FHC.

The proposed changes to the ''Preparation of Application'' section clarifies that applications may be formally accepted for processing when substantially complete (rather than complete). In an effort to reduce uncertainty and ensure consistent financial information, the proposed new section also directs users of the FR Y–3 to the Interagency Biographical and Financial Report (FR 2081c; OMB No. 7100–0134), which was issued in 2000 for the collection of personal data on individuals involved in banking proposals.

The ''Preliminary Charter Approval'' section would be expanded to encourage early contact with the appropriate Reserve Bank during the chartering process. Early contact regarding such proposals has generally facilitated the review of applications and resulted in shorter processing periods.

The ''Competitive and Convenience and Needs'' section (questions 10 and 11) would be modified to reflect the current standards and approaches with respect to competitive analysis, including the importance of specific products and markets.

The remaining proposed changes are clarifications intended to make the FR Y–3 internally consistent with respect to wording.

FR Y–3N

The proposed revisions primarily are limited to one new section in the

instructions that recognizes that the applicant may either be or seek to become a FHC. The brief section recognizes the need for a related declaration if the notificant also seeks to become a FHC and also recognizes that the streamlined procedures of the FR Y–3N procedures may not be appropriate for foreign banking organizations seeking to become FHCs or for FHCs seeking to acquire an insured depository that is not well capitalized or well managed. The proposed revisions also would delete a reference to using the form for proposals involving the acquisition of nonbank insured depository institutions.

FR Y–4

The proposed modifications to the FR Y–4 form include two deletions that became necessary when the GLB Act eliminated the Board's ability to approve new nonbanking activities under section 4(c)(8) of the BHC Act. Both proposed deletions refer to activities not previously approved by the Board. The other proposed revisions clarify the additional information and publication requirements that must be satisfied if the proposal involves a nonbank insured depository institution. No other revisions are necessary as the overall standards applicable to notifications filed under section 4(c)(8) of the BHC Act otherwise remain the same.

Board of Governors of the Federal Reserve System, January 23, 2002.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 02–2108 Filed 1–28–02; 8:45 am]

BILLING CODE 6210–02–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than February 12, 2002.

Federal Reserve Bank of Kansas City (Susan Zubradt, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

Romayne S. Baker, Jr., Enid, Oklahoma; to retain voting shares of Central Service Corporation, Enid, Oklahoma, and thereby indirectly retain voting shares of Central National Bank & Trust Company, Enid, Oklahoma.

Board of Governors of the Federal Reserve System, January 23, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–2110 Filed 1–28–02; 8:45 am]

BILLING CODE 6210–02–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 22, 2002.

A. Federal Reserve Bank of Atlanta (Cynthia C. Goodwin, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30309–4470:

1. The Colonial BancGroup, Inc., Montgomery, Alabama; to merge with Mercantile Bancorp, Inc., Dallas, Texas, and thereby indirectly acquire First Mercantile Bank, N.A., Dallas, Texas.

Board of Governors of the Federal Reserve System, January 23, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–2109 Filed 1–28–02; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

TIME AND DATE: 11 a.m., Monday, February 4, 2002.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

FOR MORE INFORMATION PLEASE CONTACT: Michelle Smith, Assistant to the Board at 202–452–2955.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: January 25, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–2220 Filed 1–25–02; 11:53 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Delegation of Authority To Disclose Certain Nonpublic Information to Australian Law Enforcement Agencies

AGENCY: Federal Trade Commission.

ACTION: Delegation of Authority.

SUMMARY: The Commission has delegated authority to the Associate

Director of the Division of Planning and Information to share certain non-public information with Australian agencies.

EFFECTIVE DATE: January 18, 2002.

FOR FURTHER INFORMATION CONTACT: Maneesha Mithal, Attorney, Division of Planning and Information, 202–326–2771, *mmithal@ftc.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given, pursuant to Reorganization Plan No. 4 of 1961, 26 FR 6191, that the Commission has delegated to the Associate Director for Planning and Information the authority to disclose information contained in the Consumer Sentinel database of consumer complaints and law enforcement information to Australian law enforcement agencies. (The Commission has already delegated authority to the Associate Director for Planning and Information to share information, including information in Consumer Sentinel, with the Australian Competition and Consumer Commission. 65 FR 64,950 (Oct. 31, 2000). The current delegation is for sharing information in Consumer Sentinel with additional Australian agencies.)

This delegation does not apply to competition-related investigations. When exercising its authority under this delegation, staff will require from the relevant foreign law enforcement agency assurances of confidentiality. Disclosures shall be made only to the extent consistent with limitations on disclosure, including section 6(f) of the FTC Act, 15 U.S.C. 46(f), section 21 of the Act, 15 U.S.C. 57b–2, and Commission Rule 4.10(d), 16 CFR 4.10(d), and with the Commission's enforcement policies and other important interests.[1]

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 02–2113 Filed 1–28–02; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

Trans #	Acquiring	Acquired	Entities
TRANSACTIONS GRANTED EARLY TERMINATION—01/07/2002			
20020227	Jean Coutu	Albertson's Inc	Albertson's Inc.
20020245	R.J. Reynolds Tobacco Holdings, Inc	Sante Fe Natural Tobacco Company, Inc.	Sante Fe Natural Tobacco Company, Inc.
20020256	Tellabs, Inc	Ocular Networks, Inc	Ocular Networks, Inc.
20020258	Biovail Corporation	Solvay S.A	Solvay Pharmaceuticals Marketing and Licensing AG.
TRANSACTIONS GRANTED EARLY TERMINATION—01/09/2002			
20012259	Philip F. Anschutz	Regal Cinemas, Inc	Regal Cinemas, Inc.
20012260	OCM Principal Opportunities Fund II, L.P.	Regal Cinemas, Inc	Regal Cinemas, Inc.
20020272	Mars Inc	BNP Paribas	Royal Canin SA.
20020280	Level 3 Communications, Inc	McLeodUSA Incorporated	McLeonUSA Information Services, Inc. McLeonUSA Purchasing L.L.C. McLeonUSA Telecommunications Services, Inc.
20020281	Arthur L. Allen	Landmark Systems Corporation	Landmark Systems Corporation.
20020292	VeriSign, Inc	LiveWire Systems, L.L.C	LiveWire Corporation.
20020293	LiveWire Systems, L.L.C	VeriSign, Inc	VeriSign, Inc.
20020296	D&E Communications, Inc	Conestoga Enterprises, Inc	Conestoga Enterprises, Inc.
20020300	Greenwich Street Capital Partners, II, L.P.	Moore Corporation Limited	Moore Corporation Limited.
TRANSACTIONS GRANTED EARLY TERMINATION—01/14/2002			
20020266	Millennium Pharmaceuticals, Inc	COR Therapeutics, Inc	COR Therapeutics, Inc.
20020273	Lattice Semiconductor Corporation	Lucent Technologies, Inc	Agere Systems, Inc.
20020277	Vivendi Universal, S.A	Charles W. Ergen	EchoStar Communications Corporation.
20020288	General Electric Company	Berwind LLC	Interlogix, Inc.
20020301	CSG Systems International, Inc	Lucent Technologies Inc	Lucent Technologies Inc.
20020303	Capital Z Partners, Ltd	PXRE Group Ltd	PXRE Group Ltd.
20020307	General Electric Company	Security Capital Group Incorporated	Security Capital Group Incorporated.

[1] The Associate Director is responsible for ensuring the confidentiality of the information contained in the Consumer Sentinel Network and, in appropriate circumstances, for authorizing participants to make further disclosures of the material in response to requests for access or compulsory process.

Trans #	Acquiring	Acquired	Entities
20020308	Pharmaceutical Resources, Inc	Samuel J. Heyman	ISP Chemicals Inc. ISP Hungary Holdings Ltd. ISP Investments Inc. ISP Technologies Inc.
20020309	Washington Mutual, Inc	National Australia Bank Limited	CFC, Inc. HMC Financial, Inc. Homeside Funding Corporation. Homeside International, Inc. Homeside Lending, Inc. Homeside Solutions, Inc. HSL Realty Tax Services Corporation. SWD Properties, Inc.
20020311	Advent Software, Inc	Kinexus Corporation	Kinexus Corporation.
20020313	The Goldman Sachs Group, Inc	Thomas F. McGowan	Hilary, L.L.C. TFM Investment Group.
TRANSACTIONS GRANTED EARLY TERMINATION—01/16/2002			
20020289	NEC Corporation	Tokin Corporation	Tokin Corporation.
20020304	Danaher Corporation	Marconi plc	Marconi Commerce Systems Limited. Marconi commerce Systems, Inc.
20020305	Ralcorp Holdings, Inc	David L. & DeAnn R. Stone	Lofthouse Foods Incorporated.
TRANSACTIONS GRANTED EARLY TERMINATION—01/18/2002			
20020200	General Electric Company	Donald E. Bently	Bently Nevada Corporation.
20020350	Verizon Communications Inc	Verizon Communications Inc	Telecommunications de Puerto Rico, Inc.

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay or Chandra L, Kennedy, Contact Representative, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room 303, Washington, DC 20580, (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 02–2114 Filed 1–28–02; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics: Meeting

Pursuant to the Federal Advisory Committee Act, the U.S. Department of Health and Human Services announces the following federal advisory committee meeting.

Name: National Committee on Vital and Health Statistics. Subcommittee on Standards and Security.

Time and Date: 8:30 A.M. to 5 P.M., February 6, 2002, 8:30 A.M. to 1 P.M., February 7, 2002.

Place: J.W. Marriott Hotel, 1331 Pennsylvania Avenue, NW., Washington, DC, Telephone (202) 393–2000.

Status: Open.

Purpose: On February 6, the Subcommittee on Standards and Security of the National Committee on Vital and Health Statistics (NCVHS) will hear testimony from invited panels of experts on issues related to current Health Insurance Portability and Accountability Act medical data code sets and any gaps in their coverage. On February 7, the Subcommittee will hear testimony from panels of experts and discuss approaches to the model form for covered entities to use in submitting HIPAA compliance extension plans pursuant to Public Law 107–105. Individuals and affected parties interested in providing testimony during the panel discussions should contact Vivian Auld (*auld@nlm.nih.gov*), telephone (301) 496–7974.

FOR FURTHER INFORMATION CONTACT: Substantive information about the planned meetings may be obtained from Karen Trudel, Senior Technical Adviser, Security and Standards Group, Centers for Medicare and Medicaid Services. MS: N2–14–17, 7500 Security Boulevard, Baltimore, Maryland 21244–1850, telephone (410) 786–9937, or Marjorie Greenberg, Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Prevention and Control, Room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone (301) 458–4245. Information also is available on the NCVHS Web site: *http://www.ncvhs.hhs.gov/*, where the agenda for the meeting will be posted when available.

Dated: January 18, 2002.

James Scanlon,

Director, Division of Data Policy, Office of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 02–2061 Filed 1–28–02; 8:45 am]

BILLING CODE 4151–05–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Board on Radiation and Worker Health: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting.

Name: Advisory Board on Radiation and Worker Health (ABRWH) Teleconference.

Time and Date: 1:00 p.m.—3:00 p.m., February 5, 2002.

Place: Teleconference call will originate at the Centers for Disease Control and Prevention, National Institutes for Occupational Safety and Health, Atlanta, Georgia. Please see **SUPPLEMENTARY INFORMATION** for details on accessing the teleconference.

Status: Open to the public, teleconference access limited only by ports available.

Background: The Advisory Board on Radiation and Worker Health (''the Board'') was established under the Energy Employees Occupational Illness Compensation Program

Act of 2000 to advise the President on a variety of policy and technical functions required to implement and effectively manage the new compensation program. Key functions of the Board include providing advice on the development of probability of causation guidelines which are being promulgated by Department of Health and Human Services (HHS), advice on methods of dose reconstruction which have been promulgated as an interim final rule, evaluation of the validity and quality of dose reconstructions conducted by the National Institute for Occupational Safety and Health (NIOSH) for qualified cancer claimants, and advice on the addition of classes of workers to the Special Exposure Cohort.

In December, 2000, the President delegated responsibility for funding, staffing, and operating the Board to HHS, which subsequently delegated this authority to the Centers for Disease Control and Prevention (CDC). NIOSH implements this responsibility for CDC. The charter was signed on August 3, 2001 and in November, 2001, the President completed the appointment of an initial roster of 10 Board members. The initial tasks of the Board will be to review and provide advice on the proposed and interim rules of HHS.

Purpose: This board is charged with (a) providing advice to the Secretary, Department of Health and Human Services on the development of guidelines under Executive Order 13179; (b) providing advice to the Secretary, Department of Health and Human Services on the scientific validity and quality of dose reconstruction efforts performed for this Program; and (c) upon request by the Secretary, Department of Health and Human Services, advise the Secretary on whether there is a class of employees at any Department of Energy facility who were exposed to radiation but for whom it is not feasible to estimate their radiation dose, and on whether there is reasonable likelihood that such radiation doses may have endangered the health of members of this class.

Matters to be Discussed: Agenda for this meeting will focus on the Board providing final comments and a vote on probability of causation rule (42 CFR, part 81). The period for comment closes on February 6, 2002, and the Advisory Board on Radiation and Worker Health is required to comment as mandated by Energy Employees Occupational Illness Compensation Program Act of 2000.

Agenda items are subject to change as priorities dictate.

This request has been submitted late as this conference call was scheduled on January 23, 2002. This conference call cannot be delayed as the open comment period for the rules on probability of causation closes February 6, 2002, the day after this conference call takes place.

Supplementary Information: This conference call is scheduled for 1:00 p.m. Eastern Standard Time. To access the teleconference you must dial 1/800–457–0183. To be automatically connected to the call, you will need to provide the operator with the participant code ''134986'' and you will be connected to the call.

For Further Information Contact: Larry Elliott, Executive Secretary, ABRWH, NIOSH, CDC, 4676 Columbia Parkway, Cincinnati, Ohio 45226, telephone 513/841–4498, fax 513/458–7125.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: January 24, 2002.

Alvin Hall,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 02–2189 Filed 1–25–02; 10:19 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Availability of Funds

AGENCY: Health Resources and Services Administration (HRSA).

ACTION: General notice.

SUMMARY: HRSA announces the availability of funds for Fiscal Year 2002 competitive grant programs that were not included in the *HRSA Preview* which was published in the **Federal Register** (66 FR 42038) on August 9, 2001.

This notice contains a description of previously unannounced grant programs scheduled for awards in Fiscal Year 2002, and includes instructions on how to obtain information and application kits for all programs. Specifically, this notice contains the following information for each grant program: (1) Program title; (2) legislative authority; (3) purpose; (4) eligibility; (5) funding priorities and/or preferences (if any); (6) estimated dollar amount of competition; (7) estimated number of awards; (8) estimated average size of each award; (9) estimated project period; (10) Catalog of Federal Domestic Assistance (CFDA) identification number; (11) application availability date; (12) letter of intent deadline (if any); (13) application deadline; (14) projected award date; and (15) programmatic contact, with telephone and e-mail addresses.

Dated: January 11, 2002.

Elizabeth M. Duke,

Acting Administrator.

This notice describes funding and application deadlines for the following HRSA discretionary authorities and programs (application deadlines are also provided):

Health professions programs	Deadline dates
Physician Assistant Training in Primary Care	3/11/2002
Predoctoral Training in Primary Care (Family Medicine, General Internal Medicine/General Pediatrics)	4/03/2002
Residency Training in Primary Care (Family Medicine, General Internal Medicine/General Pediatrics)	3/18/2002
Residencies in The Practice of Pediatric Dentistry and Residencies and Advanced Education in The Practice of General Dentistry	3/25/2002
Academic Administrative Units in Primary Care (Family Medicine)	4/08/2002
Faculty Development Training in Primary Care (Family Medicine, General Internal Medicine/General Pediatrics)	3/25/2002
Public Health Training Centers Grant Program	4/22/2002
Public Health Traineeship Grants	3/11/2002
Health Education and Training Centers	4/29/2002
Allied Health Projects	3/04/2002
Geriatric Education Centers	3/25/2002
Geriatric Academic Career Awards	4/22/2002
Geriatric Training for Physicians, Dentists, and Behavioral and Mental Health Professionals	4/03/2002
Quentin N. Burdick Program for Rural Interdisciplinary Training	3/04/2002

To Obtain an Application Kit

Each program has a different application kit. To obtain an application kit call 1–877–477–2123 and request the kit by the CFDA number and the title of the grant program in which you are interested. You may also request application kits by e-mail at *hrsagac@hrsa.gov.* Application kits are generally available 60 days prior to application deadline. If kits are available earlier, they will be mailed immediately. The kits contain detailed instructions, background on the grant program, and other information, such as the applicability of Executive Order 12372 and 45 CFR part 100, and additional information pertinent to the intergovernmental review process, as appropriate. The application kit information collection requirements have been approved under OMB No. 0915–0060.

World Wide Web Access

Application materials are also available for downloading for some HRSA programs via the World Wide Web at: *http://www.hrsa.gov/*

grants.htm. HRSA's goal is to post application forms and materials for all programs on the World Wide Web in future cycles. This HRSA grants site also tells you how to request application kits by mail.

Grant Terminology

Application Deadlines

Applications will be considered on time if they are received on or before the established deadline at the address specified in the application guidance given in the program announcement or in the application kit materials. Applications sent to any address other than that specified in the application guidance are subject to being returned.

Authorization

The citation of the law authorizing the various grant programs is provided immediately following the title of the programs.

CFDA Number

The Catalog of Federal Domestic Assistance (CFDA) is a Government-wide compendium of Federal programs, projects, services, and activities which provide assistance. Programs listed therein are given a CFDA Number. Be sure to use both the CFDA number and the title of the grant program when requesting an application kit. Note that CFDA numbers with alpha suffixes have different titles than the same CFDA numbers without suffixes.

Cooperative Agreement

A cooperative agreement rather than a grant is used when HRSA anticipates substantial Federal programmatic involvement with the recipient during performance of the project. The offering or application guidance materials will describe the nature of that involvement.

Eligibility

Eligibility is the status that an entity must possess to be qualified to apply for a grant. Authorizing legislation and programmatic regulations specify eligibility for individual grant programs. In general, assistance is provided to nonprofit organizations and institutions, State and local governments and their agencies, and occasionally to individuals. For-profit organizations are eligible to receive awards under financial assistance programs unless specifically excluded by legislation. Under the President's initiative, faith-based organizations that are otherwise eligible and believe they can contribute to HRSA's program objectives are urged to consider these grant offerings.

Funding Availability and Estimated Amount of Competition

The funding level listed is provided only as an estimate, and is subject to the availability of funds, congressional action, and changing program priorities.

Funding Priorities and/or Preferences

Funding preferences, priorities, and special considerations may come from legislation, regulations, or HRSA. They are not the same as review criteria. Funding preferences are factors that are used to place a grant application recommended for approval by a review committee ahead of other applications that do not have the preference. Some programs give preference, for example, to organizations which have specific capabilities such as telemedicine networking, or have established relationships with managed care organizations. Funding priorities are factors that cause a grant application to receive a fixed number of extra rating points—which may affect the order of applicants on a funding list. Special considerations are other factors that add merit to an application, though they are neither review criteria, preferences, or priorities. Some examples of special consideration factors include ensuring that there is an equitable geographic distribution of grant recipients, or meeting requirements for urban and rural proportions.

Letter of Intent

To help in planning the application review process, many HRSA programs request a letter of intent from the applicant in advance of the application deadline. Letters of intent are neither binding nor mandatory. Details on where to send letters can be found in the guidance materials contained in the application kit.

Matching Requirements

Several HRSA programs require a matching amount, or percentage of the total project support, to come from sources other than Federal funds. Matching requirements are generally mandated in the authorizing legislation for specific categories. Also, matching or other cost-sharing requirements may be administratively required by the awarding office. Such requirements are set forth in the application kit.

Project Period

The project period is the total time for which support of a discretionary project has been programmatically approved. It usually consists of a series of budget periods of one-year duration. Once approved through initial review, continuation of each successive budget period is subject to satisfactory performance, availability of funds, and program priorities.

Review Criteria

The following are generic review criteria applicable to HRSA programs:

- The estimated costs to the Government of the project are reasonable considering the level and complexity of activity and the anticipated results.
- Project personnel or prospective fellows are well qualified by training and/or experience for the support sought, and the applicant organization or the organization to provide training to a fellow have adequate facilities and manpower.
- Insofar as practical, the proposed activities (scientific or other), if well executed, are capable of attaining project objectives.
- The project objectives are capable of achieving the specific program objectives defined in the program announcement and the proposed results are measurable.
- The method for evaluating proposed results includes criteria for determining the extent to which the program has achieved its stated objectives and the extent to which the accomplishment of objectives can be attributed to the program.
- Insofar as practical, the proposed activities, when accomplished, are replicable, national in scope and include plans for broad dissemination.

The specific review criteria used to review and rank applications are included in the individual guidance material provided with the application kits. Applicants should pay strict attention to addressing these criteria, as they are the basis upon which their applications will be judged by the reviewers.

Technical Assistance

A contact person is listed for each program and his/her e-mail address and telephone number is provided. Some programs have scheduled workshops and conference calls. If you have questions concerning individual programs or the availability of technical assistance, please contact the person listed. Also check your application materials and the HRSA web site at *http://www.hrsa.gov/* for the latest technical assistance information.

Frequently Asked Questions

1. Where Do I Submit Grant Applications?

The address for submitting your grant application will be shown in the

guidance document included in the application kit.

2. How Do I Learn More About a Particular Grant Program?

If you want to know more about a program before you request an application kit, an e-mail/telephone contact is listed. This contact person can provide information concerning the specific program's purpose, scope and goals, and eligibility criteria. Usually, you will be encouraged to request the application kit so that you will have clear, comprehensive, and accurate information available to you. When requesting application materials, you must state the CFDA Number and title of the program. The application kit lists telephone numbers for a program expert and a grants management specialist who will provide information about your program of interest if you are unable to find the information within the written materials provided.

In general, the program contact person provides information about the specific grant offering and its purpose, and the grants management specialist provides information about the grant mechanism and business matters, though their responsibilities often overlap. Information specialists at the toll-free number listed on the applications administer mailings and provide only basic information.

*3. The Dates Listed in the **Federal Register** and the Dates in the Application Kit Do Not Agree. How Do I Know Which Is Correct?*

Federal Register dates for application kit availability and application receipt deadlines are based upon the best known information at the time of publication, often nine months in advance of the competitive cycle. Occasionally, the grant cycle does not begin as projected and dates must be adjusted. The deadline date stated in your application kit is generally correct. If the application kit has been made available and subsequently the date changes, notification of the change will be mailed to known recipients of the application kit, and also posted on the HRSA home page.

4. Are Programs Announced in the **Federal Register** *Ever Canceled?*

Infrequently, announced programs may be withdrawn from competition. If this occurs, a cancellation notice will be provided through the HRSA homepage at *http://www.hrsa.dhhs.gov.* If practicable, an attempt will be made to notify those who have requested a kit for the canceled program by mail.

If you have additional questions, please contact Mark Wheeler of the Grants Management Branch at (301) 443–6880 (*mwheeler@hrsa.gov*).

Kids into Health Careers Initiative

The Bureau of Health Professions announces a new initiative to increase diversity and cultural competency of the health professions workforce. The Kids Into Health Careers initiative is designed to expand the pool of qualified and interested applicants from minority and disadvantaged populations. The Bureau encourages applicants to participate in the Kids Into Health Careers initiative by working with primary and secondary schools that have a high percentage of minority and disadvantaged students. Participation would include establishing linkages with one or more elementary, middle, or high schools with a high percentage of minority and disadvantaged students to: (1) Inform students and parents about health careers and financial aid to encourage interest in health careers; (2) promote rigorous academic course work to prepare for health professions training; or (3) provide support services such as mentoring, tutoring, counseling, after school programs, summer enrichment, and college visits. All recipients of Bureau of Health Professions grants will receive a packet of information and guidance materials that can be used in working with local school systems. Kids Into Health Careers Initiative information may also be obtained on the Bureau of Health Professions Website at *http://www.hrsa.gov/bhpr/.*

Physician Assistant Training in Primary Care 93.886

Legislative Authority: Public Health Service Act, Title VII, Section 747(a)(5), 42 U.S.C. 293k.

Purpose: Grants are awarded for projects for the training of physician assistants and for the training of individuals who will teach in physician assistant training programs. The program assists schools to meet the costs of projects to plan, develop, and operate or maintain such programs.

Eligibility: Accredited schools of medicine, osteopathic medicine, or other public or private nonprofit entities are eligible to apply. Eligible physician assistant training programs are those which are accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC–PA) or its successor organization, the Commission on Accreditation of Allied Health Education Programs (CAAHEP) and meet the criteria set forth in sec. 799B(3) 42 USC 295p(3).

Funding Priorities and/or Preferences: As provided in section 791(a) of the Public Health Service Act, preference will be given to any qualified applicant that: (1) Has a high rate for placing graduates in practice settings having the principal focus of serving residents of medically underserved communities; or (2) during the 2-year period preceding the fiscal year for which such an award is sought, has achieved a significant increase in the rate of placing graduates in such settings. This statutory general preference will only be applied to applications that rank above the 20th percentile of applications recommended for approval by the peer review group. A priority will be offered to applicants that can demonstrate a record of training individuals from disadvantaged backgrounds (including racial/ethnic minorities underrepresented in primary care practice).

Special Consideration: Special consideration will be given in awarding grants to projects which prepare practitioners to care for underserved populations and other high risk groups such as the elderly, individuals with HIV/AIDS, substance abusers, homeless individuals, and victims of domestic violence.

Review Criteria: Review criteria are included in the application kit.

Estimated Amount of This Competition: $450,000.

Estimated Number of Awards: 3.

Estimated or Average Size of Each Award: $150,000.

Estimated Project Period: 3 years.

CFDA Number: 93.886.

Application Availability Date: Approximately January 18, 2002.

Application Deadline: March 11, 2002.

Projected Award Date: June 28, 2002.

Program Contact Person: Ellie Grant.

Phone Number: (301) 443–5404.

E-mail: egrant@hrsa.gov.

Predoctoral Training in Primary Care (Family Medicine, General Internal Medicine/General Pediatrics) 93.896

Legislative Authority: Public Health Service Act, Title VII, section 747(a)(1), 42 U.S.C. 293k.

Purpose: Grants are awarded to assist schools of medicine or osteopathic medicine in meeting the costs of projects to plan, develop, and operate or participate in, an approved predoctoral training program in the field of family medicine, general internal medicine, and general pediatrics. Proposed projects are encouraged to seek to expand and enhance the quality of predoctoral initiatives: (1) Innovation, (2) Comprehensive Models, and (3) Establishment and Expansion of Required Clerkships.

Eligibility: Any accredited public or nonprofit private school of allopathic medicine or osteopathic medicine is eligible to apply.

Funding Priorities and/or Preferences: Statutory Funding Preference: As provided in section 791(a) of the Public Health Service Act, preference will be given to any qualified applicant that: (1) Has a high rate for placing graduates in practice settings having the principal focus of serving residents of medically underserved communities; or (2) during the 2-year period preceding the fiscal year for which such an award is sought, has achieved a significant increase in the rate of placing graduates in such settings. This statutory general preference will only be applied to applications that rank above the 20th percentile of applications recommended for approval by the peer review group.

Special Consideration: Special consideration will be given to projects which prepare practitioners to care for underserved populations and other high risk groups such as the elderly, individuals with HIV/AIDS, substance abusers, homeless individuals, and victims of domestic violence.

Review Criteria: Review criteria are included in the application kit.

Estimated Amount of This Competition: Family Medicine, $2,500,000; General Internal Medicine/General Pediatrics, $1,000,000.

Estimated Number of Awards: Family Medicine, 17; General Internal Medicine/General Pediatrics, 7.

Estimated or Average Size of Each Award: Family Medicine, $145,000; General Internal Medicine/General Pediatrics, $145,000.

Estimated Project Period: Family Medicine, 3 years; General Internal Medicine/General Pediatrics, 3 years.

CFDA Number: 93.896.

Application Availability Date: Approximately January 18, 2002.

Letter of Intent Deadline: February 18, 2002.

Application Deadline: April 3, 2002.

Projected Award Date: July 31, 2002.

Program Contact Person: Brenda Williamson.

Phone Number: (301) 443–1467.

E-mail: bwilliamson@hrsa.gov.

Residency Training in Primary Care (Family Medicine, General Internal Medicine/General Pediatrics) 93.884

Legislative Authority: Public Health Service Act, Title VII, section 747, 42 U.S.C. 293k.

Purpose: Grants are awarded to assist family medicine, general internal medicine, and general pediatrics residency programs to expand and enhance the quality of training programs that prepare graduates to enter primary care practice. Residency training programs are encouraged to emphasize national innovations aimed at primary care residency education across disciplines.

Eligibility: Accredited public or private nonprofit schools of allopathic medicine or osteopathic medicine, or public or private nonprofit hospitals, or other public or private nonprofit entities are eligible. Each allopathic program must be fully or provisionally accredited by the Accreditation Council for Graduate Medical Education. Each osteopathic program must be approved by the American Osteopathic Association.

Funding Priorities and/or Preferences: Statutory Funding Preference: As provided in section 791(a) of the Public Health Service Act, preference will be given to any qualified applicant that: (1) Has a high rate for placing graduates in practice settings having the principal focus of serving persons residing in medically underserved communities; or (2) during the 2-year period preceding the fiscal year for which such an award is sought, has achieved a significant increase in the rate of placing residency graduates in such settings. This statutory general preference will only be applied to applications that rank above the 20th percentile of applications recommended for approval by the peer review group.

A funding priority will be made available for applicants that have a record of training the greatest percentage of providers or that have demonstrated significant improvements in the percentage of providers which enter and remain in primary care practice. A second priority will be offered to applicants who can demonstrate a record of training individuals from disadvantaged backgrounds (including racial/ethnic minorities underrepresented in primary care practice).

Special Consideration: Special consideration will be given to projects that prepare practitioners to care for underserved populations and other high risk groups (i.e., the elderly, individuals with HIV/AIDS, substance abusers, homeless individuals, and victims of domestic violence).

Review Criteria: Review criteria are included in the application kit.

Estimated Amount of This Competition: Family Medicine, $2,900,000; General Internal Medicine/General Pediatrics, $2,000,000.

Estimated Number of Awards: Family Medicine, 19; General Internal Medicine/General Pediatrics, 13.

Estimate or Average Size of Each Award: Family Medicine, $150,000; General Internal Medicine/General Pediatrics, $150,000.

Estimated Project Period: Family Medicine, 3 years; General Internal Medicine/General Pediatrics, 3 years.

CFDA Number: 93.884.

Application Availability Date: Approximately January 18, 2002.

Application Deadline: March 18, 2002.

Projected Award Date: July 31, 2002.

Program Contact Person: Shane Rogers; Ed Spirer.

Phone Number: (301) 443–1467.

E-mail: srogers@hrsa.gov, espirer@hrsa.gov.

Residencies in The Practice of Pediatric Dentistry 93.248 and Residencies and Advanced Education in The Practice of General Dentistry 93.897

Legislative Authority: Public Health Service Act, Title VII, section 747(a)(6), 42 U.S.C. 293k.

Purpose: These programs will provide grants to assist schools in planning, developing, or operating programs, to increase the number of training opportunities, and to provide financial assistance to residents in post-doctoral general and pediatric dentistry. These programs encourage: (1) Practice in underserved areas; (2) provision of a broad range of pediatric and/or general practice dental services; (3) coordination and integration of care; (4) meeting the needs of special populations; and (5) recruitment and retention of underrepresented minorities. Applicants are encouraged to describe the manner in which the graduates of general dentistry residency will be well trained in meeting the treatment needs of the pediatric/general patient populations. All applications will be reviewed together as a single group during the peer review process.

Eligibility: Eligible applicants for a grant for residency training in the practice of pediatric or general dentistry include entities that have programs in dental schools, approved residency programs in the pediatric or general practice of dentistry, or approved advanced education programs in the pediatric or general practice of dentistry.

Funding Priorities and/or Preferences: As provided in section 791(a) of the Public Health Service Act, preference will be given to any qualified applicant that: (1) Has a high rate for placing graduates in practice settings and has the principal focus of serving residents of medically/dentally underserved communities; or (2) during the 2-year period preceding the fiscal year for

which an award is sought, has achieved a significant increase in the rate of placing graduates in such settings. This statutory general preference will only be applied to applications that rank above the 20th percentile of applications recommended for approval by the peer review group.

Priority will be given to qualified applicants that have a record of training the greatest percentage of providers, or that have demonstrated significant improvements in the percentage of providers which enter and remain in general or pediatric dentistry.

Priority will be given to qualified applicants that have a record of training individuals who are from disadvantaged backgrounds (including racial and ethnic minorities underrepresented in general or pediatric dentistry).

An administrative priority will be given to new programs that have enrollees and no graduates at the time of application, and newly initiated programs that have neither enrollees nor graduates at the time of application.

Special Consideration: Special consideration will be given to projects that prepare practitioners to care for underserved populations and other high risk groups such as the elderly, individuals with HIV/AIDS, substance abusers, homeless individuals, and victims of domestic violence.

Review Criteria: Review criteria are included in the application kit.

Estimated Amount of This Competition: $1,000,000.

Estimated Number of Awards: 9.

Estimate or Average Size of Each Award: $110,000.

Estimated Project Period: 3 years.

CFDA Numbers: General Dentistry, 93.897; Pediatric Dentistry, 93.248.

Application Availability Date: Approximately January 18, 2002.

Application Deadline: March 25, 2002.

Projected Award Date: July 31, 2002.

Program Contact Person: Susan Goodman, DDS.

Phone Number: (301) 443–6326.

E-mail: sgoodman@hrsa.gov.

Academic Administrative Units in Primary Care (Family Medicine) 93.984

Legislative Authority: Public Health Service Act, Title VII, section 747(b), 42 U.S.C. 293k.

Purpose: Title VII authorizes funds to establish or expand teaching capacity in family medicine. Grant support is awarded to meet the costs of projects to establish, maintain, or improve academic administrative units (which may be departments, divisions, or other units) to provide clinical instruction in family medicine. Applications are being solicited for projects to address one or more of the following program purposes: (1) To establish an academic unit, (2) to expand an academic unit, or (3) to develop research infrastructure within an academic unit.

Eligibility: Public or private nonprofit accredited schools of allopathic medicine or osteopathic medicine are eligible to apply.

Funding Priorities and/or Preferences: Statutory Funding Preferences: (1) As provided in section 791(a) of the Public Health Service Act, preference will be given to any qualified applicant that: (A) Has a high rate for placing graduates in practice settings having the principal focus of serving residents of medically underserved communities; or (B) during the 2-year period preceding the fiscal year for which such an award is sought, has achieved a significant increase in the rate of placing graduates in such settings. This statutory general preference will only be applied to applications that rank above the 20th percentile of applications recommended for approval by the peer review group.

(2) A second preference is offered to qualified applicants for the establishment or the substantial expansion of an academic unit.

A priority will be available to those applicants that demonstrate collaborative projects between departments of primary care. The collaboration should involve the academic administrative units of any two disciplines of family medicine, general internal medicine, and general pediatrics. There is a second priority (administrative) for proposals that seek to build or enhance the research infrastructure of the academic administrative unit.

Special Consideration: Special consideration will be given to projects which prepare practitioners to care for underserved populations and other high risk groups such as the elderly, individuals with HIV/AIDS, substance abusers, homeless individuals, and victims of domestic violence.

Review Criteria: Review criteria are included in the application kit.

Estimated Amount of This Competition: Family Medicine, $3,300,000.

Estimated Number of Awards: 22.

Estimate or Average Size of Each Award: $150,000.

Estimated Project Period: 3 years.

CFDA Number: 93.984.

Application Availability Date: Approximately January 18, 2002.

Application Deadline: April 8, 2002.

Projected Award Date: August 30, 2002.

Program Contact Person: Lafayette Gilchrist.

Phone Number: (301) 443–1467.

E-mail: lgilchrist@hrsa.gov.

Faculty Development Training in Primary Care (Family Medicine, General Internal Medicine/General Pediatrics) 93.895

Legislative Authority: Public Health Service Act, Title VII, section 747(a)(3), 42 U.S.C. 293k.

Purpose: Grants are awarded to plan, develop, and operate a program for the training of physicians who plan to teach in family medicine (including geriatrics), general internal medicine, general pediatrics, and to provide financial assistance (in the form of traineeships and fellowships) to physicians who are participating in any such program.

Eligibility: Accredited schools of medicine or osteopathic medicine, public or private nonprofit hospitals, or other public or private nonprofit entities are eligible to apply.

Funding Priorities and/or Preferences: Statutory Funding Preference: As provided in section 791(a) of the Public Health Service Act, preference will be given to any qualified applicant that: (1) Has a high rate for placing graduates in practice settings having the principal focus of serving residents of medically underserved communities; or (2) during the 2-year period preceding the fiscal year for which such an award is sought, has achieved a significant increase in the rate of placing graduates in such settings. This statutory general preference will only be applied to applications that rank above the 20th percentile of applications recommended for approval by the peer review group.

Special Consideration: Special consideration will be given to projects which prepare practitioners to care for underserved populations and other high risk groups such as the elderly, individuals with HIV/AIDS, substance abusers, homeless individuals, and victims of domestic violence.

Review Criteria: Review criteria are included in the application kit.

Estimated Amount of This Competition: Family Medicine, $2,800,000; General Internal Medicine/General Pediatrics, $2,000,000.

Estimated Number of Awards: Family Medicine, 18; General Internal Medicine/General Pediatrics, 13.

Estimated or Average Size of Each Award: Family Medicine, $156,000; General Internal Medicine/General Pediatrics, $156,000.

Estimated Project Period: Family Medicine, 3 years; General Internal Medicine/General Pediatrics, 3 years.

CFDA Number: 93.895.
Application Availability Date: Approximately January 18, 2002.
Application Deadline: March 25, 2002.
Projected Award Date: July 31, 2002.
Program Contact Person: Martha Evans; Elsie Quinones.
Phone Number: (301) 443–1467.
E-mail: mevans@hrsa.gov, equinones@hrsa.gov.

Public Health Training Centers Grant Program 93.249

Legislative Authority: Public Health Service Act, Title VII, section 766, 42 U.S.C. 295a.

Purpose: The goal of the Public Health Training Centers Grant Program is to improve the Nation's public health system by strengthening the technical, scientific, managerial, and leadership competencies and capabilities of the current and future public health workforce. Emphasis is placed on developing the existing public health workforce as a foundation for improving the infrastructure of the public health system and helping achieve the Healthy People 2010 Objectives. Public health training center applicants must agree to: (1) Specifically designate a geographic area, including medically underserved populations, e.g., elderly, immigrants/refugees, disadvantaged, to be served by the Center that shall be in a location removed from the main location of the teaching facility of the school participating in the program with such Center; (2) assess the public health personnel needs of the area to be served by the Center and assist in the planning, development, and delivery of training programs to meet such needs; (3) establish or strengthen field placements for students in public or nonprofit private public health agencies or organizations; and (4) involve faculty members and students in collaborative projects to enhance public health services to medically underserved communities.

Eligibility: Eligible applicants include accredited schools of public health or other public or nonprofit private institutions accredited for the provision of graduate or specialized training in public health.

Funding Priorities and/or Preferences: In awarding grants under this authority, the Secretary will give preference to accredited schools of public health.

Review Criteria: Review criteria are included in the application kit.

Estimated Amount of This Competition: $5,000,000.
Estimated Number of Awards: 8–10.
Estimated or Average Size of Each Award: $350,000.
Estimated Project Period: 5 years.
CFDA Number: 93.249.
Application Availability Date: Approximately January 18, 2002.
Application Deadline: April 22, 2002.
Projected Award Date: August 30, 2002.
Program Contact Person: John R. Kress.
Phone Number: (301) 443–6864.
E-mail: jkress@hrsa.gov.

Public Health Traineeship Grants 93.964

Legislative Authority: Public Health Service Act, Title VII, section 767, 42 U.S.C. 295b.

Purpose: The Public Health Traineeship Grants are awarded to accredited schools of public health, and to other public or nonprofit private institutions accredited for the provision of graduate or specialized training in public health, to provide traineeships to individuals pursuing a course of study in a public health profession in which there is a severe shortage of health professionals (including the fields of epidemiology, environmental health, biostatistics, toxicology, nutrition, and maternal and child health). Traineeships are used to assist students in the cited public health professions where there are documented shortages and to prepare graduates for employment in underserved areas.

Eligibility: Eligible applicants include: (1) Accredited schools and programs of public health and other appropriate public or nonprofit private institutions accredited by the Council on Education for Public Health; and (2) other public or nonprofit private institutions accredited by a body recognized for this purpose by the Secretary of the Department of Education.

Estimated Amount of This Competition: 1,822,957.
Estimated Number of Awards: 33.
Estimated or Average Size of Each Award: $55,241.
Estimated Project Period: 1 year.
CFDA Number: 93.964.
Application Availability Date: Approximately January 18, 2002.
Application Deadline: March 11, 2002.
Projected Award Date: May 31, 2002.
Program Contact Person: Maurice Davis.
Phone Number: (301) 443–6853.
E-mail: mdavis2@hrsa.gov.

Health Education and Training Centers 93.189

Legislative Authority: Public Health Service Act, Title VII, section 752 (42 U.S.C. 294b).

Purpose: Grants are awarded to support projects that address the persistent and unmet health care needs in States along the border between the United States and Mexico and in the State of Florida, and in other urban and rural areas with populations with serious unmet health care needs. The HETC program emphasizes: (1) Use of community-based approaches to improve the health status and life expectancy of low-income and minority populations in severely underserved areas, (2) educational incentives to train students and attract and retain health care personnel, and (3) health promotion and disease prevention strategies that integrate public health and health education services in the areas described.

Matching Requirements: Grantees must provide matching funds from non-Federal sources (directly or through donations from public or private entities, in cash or in-kind) in an amount not less than 25 percent of the total operating costs of the HETC project.

Eligibility: Public or private nonprofit, accredited schools of medicine and osteopathic medicine, and incorporated consortia of such schools or the parent institution of such schools are eligible applicants. In States in which no area health education centers program is in operation, an accredited school of nursing is also an eligible applicant. The academic institution shall collaborate with 2 or more disciplines.

Funding Priorities and/or Preferences: As provided in section 791 (a) of the Public Health Service Act, preference will be given to any qualified applicant that: (1) Has a high rate for placing graduates in practice settings having the principal focus of serving residents of medically underserved communities; or (2) during the 2-year period preceding the fiscal year for which an award is sought, has achieved a significant increase in the rate of placing graduates in such settings. This statutory general preference will only be applied to applications that rank above the 20th percentile of applications recommended for approval by the peer review group. Fifty percent of the appropriated funds will be made available for approved applications for HETCs in States along the border between the United States and Mexico and in the State of Florida. The remaining 50 percent shall be made available for approved applications for HETCs from non-border areas (both urban and rural). The amount allocated for each approved border HETC application will be determined in accordance with a formula. Approved non-border HETC applications scored in the lowest 25th percentile may be partially funded or may not be funded.

Funding decisions on approved non-border HETC applications will be based on consideration of geographic distribution of the awards. If funds remain available after all approved applications in either the border area/Florida category or the non-border area category are funded, the balance will be utilized for approved applications in the other category.

Review Criteria: Review criteria are included in the application kit.

Estimated Amount of this Competition: $3,800,000.

Estimated Number of Awards: 14.

Estimated or Average Size of Each Award: $275,000.

Estimated Project Period: 3 years.

CFDA Number: 93.189.

Application Availability Date: Approximately January 18, 2002.

Application Deadline: April 29, 2002.

Projected Award Date: August 30, 2002.

Program Contact Person: Louis D. Coccodrilli, MPH.

Phone Number: (301) 443–6950.

E-mail: lcoccodrilli@hrsa.gov.

Allied Health Projects 93.191

Legislative Authority: Public Health Service Act, Title VII, section 755, 42 U.S.C. 294e.

Purpose: Grants are awarded to assist eligible entities in meeting the costs associated with expanding or establishing programs that will: (1) Expand enrollments in allied health disciplines that are in short supply or whose services are most needed by the elderly; (2) provide rapid transition training programs in allied health fields to individuals who have baccalaureate degrees in health-related sciences; (3) establish community-based training programs that link academic centers to rural clinical settings; (4) provide career advancement training for practicing allied health professionals; (5) expand or establish clinical training sites for allied health professionals in medically underserved or rural communities in order to increase the number of individuals trained; (6) develop curriculum that will emphasize knowledge and practice in the areas of prevention and health promotion, geriatrics, long-term care, home health and hospice care, and ethics; (7) expand or establish interdisciplinary training programs that promote the effectiveness of allied health practitioners in geriatric assessment and the rehabilitation of the elderly; (8) expand or establish demonstration centers to emphasize innovative models to link allied health, clinical practice, education, and research; and (9) meet the costs of projects to plan, develop, and operate or maintain graduate programs in behavioral and mental health practice.

Eligibility: Eligible entities are health professions schools, academic health centers, State or local governments, or other public or private nonprofit entities. Eligible academic institutions are also required to use funds in collaboration with two or more disciplines.

Funding Priorities and/or Preferences: As provided in section 791(a) of the Public Health Service Act, preference will be given to any qualified applicant that: (1) Has a high rate for placing graduates in practice settings having the focus of serving residents of medically underserved communities; or (2) during the 2-year period preceding the fiscal year for which such an award is sought, has achieved a significant increase in the rate of placing graduates in such settings. This statutory general preference will only be applied to applications that rank above the 20th percentile of applications recommended for approval by the peer review group. A preference will be given to those new programs that meet at least four of the criteria described in section 791(c)(3) of the Public Health Service Act concerning medically underserved communities and populations so that new applicants may also compete equitably. A funding priority will be given to qualified applicants who provide community-based training experiences designed to improve access to health care services in underserved areas. Such applicants may include Asian-American and Pacific Islander Serving Institutions, Hispanic Serving Institutions, Historically Black Colleges and Universities, Tribal Colleges, and Universities serving American Indians and Alaska Natives, or an institution that collaborates with one or more of the above listed institutions (President's Executive Orders 12876, 12900, 13021, and 13125).

Review Criteria: Review criteria are included in the application kit.

Estimated Amount of This Competition: $1,500,000.

Estimated Number of Awards: 13.

Estimated or Average Size of Each Award: $115,000.

Estimated Project Period: 3 years.

CFDA Number: 93.191.

Application Availability Date: Approximately January 18, 2002.

Application Deadline: March 4, 2002.

Projected Award Date: June 28, 2002.

Program Contact Person: Young Song.

Phone Number: (301) 443–3353.

E-mail: ysong@hrsa.gov.

Geriatric Education Centers 93.969

Legislative Authority: Public Health Service Act, Title VII, section 753(a), 42 U.S.C. 294c.

Purpose: Grants are given to support the development of collaborative arrangements involving several health professions schools and health care facilities. These arrangements, called Geriatric Education Centers (GECs), facilitate training of health professional faculty, students, and practitioners in the diagnosis, treatment, prevention of disease, disability, and other health problems of the aged. Projects supported under these grants must offer training involving four or more health professions, one of which must be allopathic or osteopathic medicine. Health professions include allopathic physicians, osteopathic physicians, dentists, optometrists, podiatrists, pharmacists, nurses, nurse practitioners, physician assistants, chiropractors, clinical psychologists, health administrators, and allied health professionals including professional counselors and social workers.

These projects must address one or more of the following statutory purposes: (1) Improve the training of health professionals in geriatrics, including geriatric residencies, traineeships or fellowships; (2) develop and disseminate curricula relating to the treatment of the health problems of elderly individuals; (3) support the training and retraining of faculty to provide instruction in geriatrics; (4) support continuing education of health professionals who provide geriatric care; and (5) provide students with clinical training in geriatrics in nursing homes, chronic and acute disease hospitals, ambulatory care centers, and senior centers.

Eligibility: Grants may be made to accredited health professions schools as defined by section 799B(1) (3) or (4) and section 801(2) of the PHS Act, which includes, among others, schools of medicine, schools of dentistry, schools of osteopathic medicine, schools of pharmacy, schools of optometry, schools of podiatric medicine, schools of veterinary medicine, schools of public health, and schools of chiropractic. Grants may also be made to accredited graduate programs in clinical psychology, clinical social work, health administration, and behavioral health and mental health practice as defined in 799(B)(1)(B)–(E). Programs for the training of physician assistants as defined by section 799(B)(3), or schools of allied health as defined by section 799B(4), or schools of nursing as defined by section 801(2)

may also apply. Applicants must be located in the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, the Republic of Palau, the Republic of the Marshall Islands, or the Federated States of Micronesia.

Funding Priorities and/or Preferences: As provided in section 791(a) of the Public Health Service Act, preference will be given to any qualified applicant that: (1) Has a high rate for placing graduates in practice settings having the focus of serving residents of medically underserved communities or (2) during the 2-year period preceding the fiscal year for which such an award is sought, has achieved a significant increase in the rate of placing graduates in such settings. This statutory general preference will only be applied to applications that rank above the 20th percentile of applications recommended for approval by the peer review group. So that new applicants may compete equitably, a preference will be given to those new programs that meet at least four of the criteria described in section 791(c)(3) of the Public Health Service Act concerning medically underserved communities and populations.

A funding priority will be given to qualified applicants who devote significant resources to support the training and retraining of faculty to provide instruction in geriatrics.

Review Criteria: Review criteria are included in the application kit.

Estimated Amount of This Competition: 4,000,000.

Estimated Number of Awards: 12.

Estimated or Average Size of Each Award: $200,000 for single applications and $400,000 for consortium applications.

Estimated Project Period: 5 years.

CFDA Number: 93.969.

Application Availability Date: Approximately January 18, 2002.

Application Deadline: March 25, 2002.

Projected Award Date: July 12, 2002.

Program Contact Person: Barbara Broome.

Phone Number: (301) 443–6866.

E-mail: jweiss@hrsa.gov.

Geriatric Academic Career Awards 93.250

Legislative Authority: Public Health Service Act, Title VII, section 753(c), 42 U.S.C. 294c.

Purpose: The purpose of this program is to increase the number of junior faculty in geriatrics at accredited schools of medicine and osteopathic medicine and to promote their careers as academic geriatricians. Award recipients agree to serve as members of the faculties of accredited schools of allopathic or osteopathic medicine providing teaching services, within the service requirements under this award, for up to 5 years. Prior to submitting an application for the Geriatric Academic Career Award, individuals must have an agreement with an eligible school setting forth the terms and conditions of the award. The agreement with the school must permit the individual to serve as a full-time (as determined by the school) member of the faculty, for not less than the period of the award. As provided in Section 753(c)(5), an individual who receives an award shall provide training in clinical geriatrics, including the training of interdisciplinary teams of health care professionals. The provision of such training shall constitute at least 75 percent of the obligations of the individual under this award. Geriatric career awards are made directly to individuals, not institutions.

Eligibility: Geriatric Academic Career Awards are provided for individuals who meet the following criteria: (1) Are board certified or board eligible in internal medicine, family practice, or psychiatry; (2) have completed an approved fellowship program in geriatrics; and (3) have a junior faculty appointment at an accredited school of medicine (allopathic or osteopathic).

Review Criteria: Review criteria are included in the application kit.

Estimated Amount of This Competition: 1,000,000.

Estimated Number of Awards: 20.

Estimated or Average Size of Each Award: $50,000.

Estimated Number of Awards To Be Made: 20.

Estimated Project Period: 5 years.

CFDA Number: 93.250.

Application Availability Date: Approximately January 18, 2002.

Application Deadline: April 22, 2002.

Projected Award Date: August 16, 2002.

Program Contact Person: Kathleen Bond.

Phone Number: (301) 443–8681.

E-mail: kbond@hrsa.gov.

Geriatric Training for Physicians, Dentists, and Behavioral and Mental Health Professionals 93.156

Legislative Authority: Public Health Service Act, Title VII, section 753(b), 42 USC 294c.

Purpose: The purpose of this program is to increase the number of physicians, dentists, and behavioral and mental health professionals who plan to teach geriatric medicine, geriatric dentistry, or geriatric behavioral and mental health. Supported programs provide training in geriatrics and exposure to the physical and mental disabilities of elderly individuals through a variety of service rotations such as geriatric consultation services, acute care services, dental services, geriatric behavioral and/or mental health units, day and home care programs, rehabilitation services, extended care facilities, geriatric ambulatory care and comprehensive evaluation units, and community care programs for elderly mentally retarded individuals. Programs emphasize the principles of primary care as demonstrated through continuity, ambulatory, preventive, and psychosocial aspects of the practice of geriatric medicine, geriatric dentistry, and geriatric behavioral and mental health. Projects provide training in geriatrics through two-year fellowship programs and/or 1-year retraining programs. Learning components for 2-year fellows include clinical, research, administration and teaching. A minimum of three fellows—one from each discipline—is required for each program each year.

Eligibility: Schools of medicine, schools of osteopathic medicine, teaching hospitals, and graduate medical education programs.

Funding Priorities and/or Preferences: Statutory Funding Preferences: As provided in section 791(a) of the Public Health Service Act, preference will be given to any qualified applicant that: (A) Has a high rate for placing graduates in practice settings having the focus of serving residents of medically underserved communities or (B) during the two-year period preceding the fiscal year for which such an award is sought, has achieved a significant increase in the rate of placing graduates in such settings. This statutory general preference will only be applied to applications that rank above the 20th percentile of the applications recommended for approval by the peer review group. So that new applicants may compete equitably, a preference will be given to those new programs that meet at least four of the criteria described in section 791(c)(3) of the Public Health Service Act concerning medically underserved communities and populations.

Estimated Amount of This Competition: $5,000,000.

Estimated Number of Awards: 5.

Estimated or Average Size of Each Award: $400,000.

Estimated Project Period: 5 years.

CFDA Number: 93.156.

Application Availability Date: Approximately January 18, 2002.

Application Deadline: April 3, 2002.

Project Award Date: July 12, 2002.

Program Contact Person: Kathleen Bond.

Phone Number: 301–443–8681.

E-mail: kbond@hrsa.gov.

Quentin N. Burdick Program for Rural Interdisciplinary Training 93.192

Legislative Authority: Public Health Service Act, Title VII, section 754, 42 U.S.C. 294d.

Purpose: The goal of this program is to support the education and training of health professions students in rural underserved communities and to improve access to health care in rural areas. In an effort to address the rural health professions workforce needs, this program provides funding for student stipends and for interdisciplinary training projects designed to: (1) Use new and innovative methods to train health care practitioners to provide services in rural areas; (2) demonstrate and evaluate innovative interdisciplinary methods and models designed to provide access to cost-effective comprehensive health care; (3) deliver health care services to individuals residing in rural areas; (4) enhance the amount of relevant research conducted concerning health care issues in rural areas; and (5) increase the recruitment and retention of health care practitioners in rural areas and make rural practice a more attractive career choice for health care practitioners.

Eligibility: Applications will be accepted from health professions schools, academic health centers, State or local governments, or other appropriate public or private nonprofit entities for funding and participation in health professions and nursing training activities. Applications must be jointly submitted by at least two eligible applicants with the express purpose of assisting individuals in academic institutions in establishing long-term collaborative relationships with health care providers in rural areas.

Applicants must designate a rural health care agency or agencies for clinical treatment or training including hospitals, community health centers, migrant health centers, rural health clinics, community behavioral and mental health centers, long-term care facilities, Native Hawaiian health centers or facilities operated by the Indian Health Service or an Indian tribe or tribal organization or Indian organization under a contract with the Indian Health Service under the Indian Self-Determination Act.

Funding Priorities and/or Preferences: Statutory Funding Preference: As provided in section 791(a) of the Public Health Service Act, preference will be given to any qualified applicant that: (1) Has a high rate for placing graduates in practice settings having the principal focus of serving residents of medically underserved communities; or (2) during the 2-year period preceding the fiscal year for which such an award is sought, has achieved a significant increase in the rate of placing graduates in such settings.

This statutory general preference will only be applied to applications that rank above the 20th percentile of applications recommended for approval by the peer review group. So that new applicants may compete equitably, a preference will be given to those new programs that meet at least four of the criteria described in Section 791(c)(3) concerning medically underserved communities and populations.

A funding priority will be given to qualified applicants that have a record of providing community-based training to individuals who are from disadvantaged backgrounds. Such applicants may be Hispanic Serving Institutions, Historically Black Colleges and Universities, and Tribal Colleges and Universities serving Native Americans (President's Executive Orders 12876, 12900, and 13021).

Review Criteria: Review criteria are included in the application kit.

Estimated Amount of This Competition: 3,000,000.

Estimated Number of Awards: 13.

Estimated or Average Size of Each Award: $225,000.

Estimated Project Period: 3 years.

CFDA Number: 93.192.

Application Availability Date: Approximately January 18, 2002.

Application Deadline: March 4, 2002.

Projected Award Date: July 12, 2002.

Program Contact Person: Marcia Starbecker, RN, MSN.

Phone Number: (301) 443–0430.

E-mail: jweiss@hrsa.gov.

Additional Informaton

Exhibit and Conference/Meeting Information

HRSA's exhibit schedule and HRSA-sponsored conferences and meetings can be accessed online at *http://www.hrsa.gov/newsroom/calendar.htm.* For more information, contact Steve Merrill at smerrill@hrsa.gov.

HRSA's Field Offices

Northeast Cluster

Philadelphia Field Office—Field Director, Vincent C. Rogers, (215) 861–4422.

Boston Field Office—Assistant Field Director, Kenneth Brown, (617) 565–1420.

New York Field Office—Assistant Field Director, Ron Moss, (212) 264–3032.

Southeast Cluster

Atlanta Field Office—Field Director, Ketty M. Gonzalez, (404) 562–7972.

Midwest Cluster

Chicago Field Office—Field Director, Deborah Willis-Fillinger, (312) 353–6835.

Kansas City Field Office—Assistant Field Director, Hollis Hensley, (816) 426–5226.

West Central Cluster

Dallas Field Office—Field Director, Frank Cantu, (214) 767–3872.

Denver Field Office—Assistant Field Director, Jerry Wheeler, (303) 844–3203.

Pacific West Cluster

San Francisco Field Office—Field Director, Thomas Kring, (415) 437–8090.

Seattle Field Office—Assistant Field Director, Richard Rysdam (Acting), (206) 615–2491.

Related World Wide Web Addresses

HRSA Preview Online

http://www.hrsa.gov/grants.htm

HRSA Home Page

http://www.hrsa.dhhs.gov

DHHS Home Page

http://www.os.dhhs.gov

Grantsnet

http://www.hhs.gov/progorg/grantsnet/index.html

PHS Grants Policy Statement

http://www.nih.gov/grants/policy/gps

Catalog of Federal Domestic Assistance (CFDA)

http://www.gsa.gov/fdac

Code of Federal Regulations

http://www.access.gpo.gov/nara/cfr/cfr-table-search.html

OMB Circulars

http://www.whitehouse.gov/WH/EOP/omb

http://www.whitehouse.gov/omb/grants/index.html#circulars

Federal Register

http://www.access.gpo.gov/su_docs/aces/aces140.html

Healthfinder

http://www.healthfinder.gov

Fedworld Information Network

http://www.fedworld.gov

State Single Points of Contact (SPOC)

http://thomas.loc.gov

Faith-Based Programs

On January 29, 2001, by Executive Order, the President established a new White House Office of Faith-based and Community Initiatives. The Office has been working to expand the role of faith-based organizations and other community-serving groups that have traditionally been distant from government.

This year, HRSA is participating in an Agency wide review of its grant programs to help assure that its policies and practices do not contain barriers to the participation of faith-based and community groups in appropriate HRSA grant programs.

Faith-based and other community organizations have worked in partnership with HRSA and its grantees in many ways through the years, and have competed for and received grant awards to assist the Agency in improving access to health care for those in need. Faith-based organizations, therefore, are eligible to apply for funds, as are other community groups and non-profit organizations. HRSA will strive to create a ''level playing field'' for all applicant organizations in the competition for grants and other funding.

HRSA Supports Healthy People 2010

The Health Resources and Services Administration is committed to achieving the health promotion and disease prevention objectives of Healthy People 2010, a national program to reduce morbidity and mortality and improve the quality of life of the American people. The programs included in this document are supportive of many of the Healthy People 2010 areas of emphasis. Grantees and potential grantees are encouraged to be supportive of these areas as well HRSA participates on the Work Groups of all of the 28 Health People 2010 focus areas (chapters) and has the Federal co-lead responsibility for the following six focus areas:

1 Access to quality Health Services
7 Educational and Community-Based Services
13 HIV
16 Maternal, Infant, and Child Health
21 Oral Health
23 Public Health Infrastructure

Copies of Healthy People 2010 and related documents may be purchased from the Superintendent of Documents, ordered over the phone or by fax with a credit card number, or downloaded and/or printed out in entirety or in part at the Healthy People 2010 web site: *http://www.health.gov/healthypeople/document*. Web site viewers should click on ''publications.''

Healthy People 2010 publications may be purchased from the Superintendent of Documents, PO Box 371954, Pittsburgh, PA 15250–7954. By using a credit card, orders may be faxed to 202–512–2250, or phoned to 202–512–1800. Prices quoted include shipping and handling, and are subject to change. Healthy People 2010 publications include:

Healthy People 2010 (second edition; Volume 1, 608 pages, Focus Areas 1–14, includes black and white version of *Understanding and Improving Health*; Volume II, 664 pages, Focus Areas 15–28). Two-volume set: $70, S/N 017–000–00547–9.

Healthy Peoople 2010: Understanding and Improving Health (second edition; 76 pages four-color version) $10. S/N 017–001–00550–0.

Tracking Healthy People 2010 (996 pages; provides informationon measuring the objectives). $66 S/N 017–001–00548–7.

Healthy People 2010 CD–ROM (contains electronic file of understanding and improving Health, Healthy People 2010, and Tracking Healthy People 2010). $19 S/N 017–001–00549–5.

[FR Doc. 02–2129 Filed 1–24–02; 4:52 pm]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Health Professions Recruitment Program for Indians

AGENCY: Indian Health Service, HHS.

ACTION: Notice of competitive grant applications for the Health Professions Recruitment Program for Indians.

SUMMARY: The Indian Health Service (IHS) announces that competitive grant applications are now being accepted for the Health Professions Recruitment Program for Indians established by section 102 of the Indian Health Care Improvement Act of 1976 (25 U.S.C. 1612), as amended by Pub. L. 102–573. There will be only one funding cycle during fiscal year (FY) 2002. This program is described at section 93.970 in the Catalog of Federal Domestic Assistance and is governed by regulations at 42 CFR 36.310 et seq. Costs will be determined in accordance with OMB Circulars A–21, A–87, and A–122 (cost principles for different types of applicant organizations); and 45 CFR part 74 or 45 CFR part 92 (as applicable). Executive Order 12372 requiring intergovernmental review is not applicable to this program. This program is not subject to the Public Health System Reporting requirements.

The Department of Health and Human Services (DHHS) is committed to achieving the health promotion and disease prevention objectives of ''*Healthy People 2010,*'' a DHHS-led activity for setting priority areas. This program announcement is related to the priority area of Educational and Community-based programs. Potential applicants may obtain a copy of *Healthy People 2010,* Summary report No. 017–001–00549–5, or via CD–ROM, Stock No. 017–001–00549–5, through the Superintendent of Documents, Government Printing Office, PO Box 371954, Pittsburgh, PA 15250–7945, (202) 512–1800. You may access this information via the Internet at the following Web site: *www.health.gov/healthypeople/publication*

A. Smoke Free Workplace

IHS strongly encourages all grant recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. This is consistent with the DHHS mission to protect and advance the physical and mental health of the American people.

DATES: A. Application Receipt Date—An original and two copies of the completed grant application must be submitted with all required documentation to the Grants Management Branch, Division of Acquisition and Grants Management, 801 Thompson Avenue, Suite 120, Rockville, Maryland 20852, by close of business April 30, 2002.

Applications shall be considered as meeting the deadline if they are either: (1) Received on or before the deadline with hand carried applications received by close of business 5 p.m.; or (2) postmarked on or before the deadline and received in time to be reviewed along with all other timely applications. A legibly dated receipt from a commercial carrier or the U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks will not be accepted as proof of timely mailing. Late applications not accepted

for processing will be returned to the applicant and will *not* be considered for funding.

B. Additional Dates

1. *Application Review:* May 21–23, 2002.

2. *Applicants Notified of Results:* on or about June 14, 2002 (approved, recommended for approval but not funded, or disapproved).

3. *Anticipated Start Date:* August 1, 2002.

FOR FURTHER INFORMATION CONTACT: For program information, contact Ms. Jacqueline K. Santiago, Chief, Loan Repayment Program, 801 Thompson Avenue, Suite 120, Rockville, Maryland 20852, (301) 443–3396. For grants application and business management information, contact Mrs. Crystal Ferguson, Grants Management Officer, Grants Management Branch, Division of Acquisition and Grants Management, Indian Health Service, 801 Thompson Avenue, Suite 120, Rockville, Maryland 20852, (301) 443–5204. (The telephone numbers are not toll-free numbers).

SUPPLEMENTARY INFORMATION: This announcement provides information on the general program purpose, eligibility and preference, program objectives, required affiliation, fund availability and period of support, type of program activities considered for support, and application procedures for FY 2002.

A. General Program Purpose

The purpose of the Health Professions Recruitment program is to increase the number of American Indians and Alaska Natives entering the health professions and to assure an adequate supply of health professionals to the IHS, Indian Tribes, Tribal organizations, and urban Indian organizations involved in the provision of health care to Indian people.

B. Eligibility and Preference

The following organizations are eligible with preference given in the order of priority to:

1. Indian tribes,

2. Indian tribal organizations,

3. urban Indian organizations and other Indian health organizations; and

4. public and other nonprofit private health or educational entities.

C. Program Objectives

Each proposal must address the following *four* objectives to be considered for funding:

1. Identifying Indians with a potential for education or training in the health professions (excluding nursing—The Nursing profession is excluded because the IHS Nursing Recruitment Grant Program provides funding to increase the number of nurses who deliver health care services to Indians) and encouraging and assisting them:

(A) To enroll in courses of study in such health professions; or

(B) If they are not qualified to enroll in any such courses of study, to undertake such postsecondary education or training as may be required to qualify them for enrollment;

2. Publicizing existing sources of financial aid available to Indians enrolled in any courses of study referred to in paragraph (1) of this subsection or who are undertaking training necessary to qualify them to enroll in any such school.

3. Establishing other programs which the Secretary determines will enhance and facilitate the enrollment of Indians in, and the subsequent pursuit and completion by them of courses of study referred to in paragraph (1) of this section. To delivery the necessary student support systems to help to ensure that students who are recruited successfully complete their academic training. Support services may include:

A. Providing career counseling and academic advice;

B. Assisting students to identify academic deficiencies;

C. Assisting students to locate financial aid; monitoring students to identify possible problems;

D. Assisting with the determination of, need for, and location of tutorial services; and

E. Other related activities, which will help to retain students in school.

4. To work in close cooperation with the IHS, Tribes, Tribal organizations and urban Indian organizations, in locating and identifying non-academic period placement opportunities and practicum experiences, i.e., the IHS Extern Program authorized under section 105 of Pub. L. 94–437, as amended; assisting student with individual development plans in conjunction with identified placement opportunities; monitoring students to identify and evaluate possible problems; and monitoring and evaluating all placement and practicum experiences within the IHS to further develop and modify the program.

D. Required Affiliation

If the applicant is an Indian Tribe, Tribal organization, urban organization or other Indian health organization, or a public or nonprofit private health organization, the applicant must submit a letter of support from at least one school accredited for the health professions program, (excluding nursing). This letter must document linkage with that educational organization.

When the target population of a proposed project includes a particular Indian Tribe or Tribes, an official document, i.e., a letter of support or Tribal resolution must be submitted indicating that the Tribe or Tribes will cooperate with the applicant.

E. Fund Availability and Period of Support

It is anticipated that approximately $250,000 will be available for approximately 3 new grants. The average funding level for projects in FY 2001 was $83,000. The anticipated start date for selected projects will be August 1, 2002. Pursuant to 42 Code of Federal Regulations 36.313(c), the project period ''will usually be for one to two years.'' However, under this notice, projects will be awarded for a budget term of 12 months, with a maximum project period of up to three (3) years. A maximum project period of three (3) years is required so that key staff, such as project directors, may be recruited, without the financial and career uncertainty of a one or two year budget period and to enable the projects to carry out their recruitment activities without the added activity of applying for a grant every one or two years. Grant funding levels include both direct and indirect costs. Funding of succeeding years will be based on the FY 2002 level, continuing need for the program, satisfactory performance, and the availability of appropriations in those years.

F. Type of Program Activities Considered for Support

Funds are available to develop grant programs to locate and recruit students with potential for health professions degree programs (excluding nursing), and to provide support services to Indian students who are recruited.

G. Application Process

An *IHS Recruitment Grant Application Kit,* including the required PHS 5161–1 (Rev. 5/96) (OMB Approval No. 0920–0428) and the U.S. Government Standard forms (SF–424, SF–424A, and SF–424B), may be obtained from the Grants Management Branch, Division of Acquisition and Grants Management, Indian Health Service, 801 Thompson Avenue, Suite 120, Rockville, Maryland 20852, telephone (301) 443–5204. (This is not a toll free number.)

H. Grant Application Requirements

All applications must be single-spaced, typewritten, and consecutively

numbered pages using black type not smaller than 12 characters per one inch, with conventional one inch border margins, on only one side of standard size 8½ x 11 paper that can be photocopied. The application narrative (not including abstract, Tribal resolutions or letters of support, standard forms, table of contents or the appendix) must not exceed 20 typed pages as described above. All applications must include the following in the order presented:

—Standard Form 424, Application for Federal Assistance
—Standard Form 424A, Budget Information—Non-Construction Programs, (pages 1 and 2)
—Standard Form 424B, Assurances—Non-Construction Programs (front and back)
—Certifications, PHS 5161–1, (page 17-19)
—Checklist, PHS 5161–1, (pages 25–26), NOTE: Each standard form and the check list is contained in the PHS Grant Application, Form PHS 5161–1 (Revised 5/96)
—Project Abstract (one page)
—Table of Contents
—Program Narrative to include:
—Introduction and Potential Effectiveness of Project
—Project Administration
—Accessibility to Target Population
—Relationship of Objectives to Manpower Deficiencies
—Project Budget, including multi-year narratives, and
—Budget Justifications
—Appendix to include:
—Tribal Resolution(s) or Letters of Support
—Biographical sketches for key personnel or position descriptions if position is vacant
—Organizational chart
—Workplan
—Completed IHS Application Checklist
—Application Receipt Card, PHS 3038–1 Rev. 5–90.

I. Application Instructions

The following instructions for preparing the application narrative also constitute the standards (criteria or basis for evaluation) for reviewing and scoring the application. Weights assigned each section are noted in parenthesis.

Abstract—An abstract may not exceed one typewritten page. The abstract should clearly present the application in summary form, from a ''who-what-when-where-how-cost'' point of view so that reviewers see how the multiple parts of the application fit together to form a coherent whole.

Table of Contents—Provide a one page typewritten table of contents.

J. Narrative

1. Introduction and Potential Effectiveness (30 pts.)

a. Describe your legal status and organization.

b. State specific objectives of the project, which are measurable in terms of being quantified, significant to the needs of Indian people, logical, complete and consistent with the purpose of section 102.

c. Describe briefly what the project intends to accomplish. Identify the expected results, benefits, and outcomes or products to be derived from each objective of the project.

d. Provide a project specific work plan (milestone chart) which lists each objective, the tasks to be conducted in order to reach the objective, and the timeframe needed to accomplish each task. Timeframes should be projected in a realistic manner to assure that the scope of work can be completed within each budget period. (a work plan format is provided.)

e. In the case of proposed projects for identification of Indians with a potential for education or training in the health professions (excluding nursing), include a method for assessing the potential of interested Indians for undertaking necessary education or training in such health professions.

f. State clearly the criteria by which the project's progress will be evaluated and by which the success of the project will be determined.

g. Explain the methodology that will be used to determine if the needs, goals, and objectives identified and discussed in the application are being met and if the results and benefits identified are being achieved.

h. Identify who will perform the evaluation and when.

2. Project Administration (20 pts.)

a. Provide an organizational chart (include in appendix). Describe the administrative, managerial and organizational arrangements and the facilities and resources to be utilized to conduct the proposed project.

b. Provide the name and qualifications of the project director or other individuals responsible for the conduct of the project; the qualifications of the principal staff carrying out the project; and a description of the manner in which the applicant's staff is or will be organized and supervised to carry out the proposed project. Include biographical sketches of key personnel (or job descriptions if the position is vacant) (include in appendix).

c. Describe any prior experience in administering similar projects.

d. Discuss the commitment of the organization, i.e., although not required, the level of non-Federal support. List the intended financial participation, if any, of the applicant in the proposed project specifying the type of contributions such as cash or services, loans of full or part-time staff, equipment, space, materials or facilities or other contributions.

3. Accessibility to Target Population (20 pts.)

a. Describe the current and proposed participation of Indians (if any) in your organization.

b. Identify the target Indian population to be served by your proposed project and the relationship of your organization to that population.

c. Describe the methodology to be used to access the target population.

4. Relationship of Objectives to Health Professional Deficiencies (20 pts.)

a. Provide data and supporting documentation to address the relationship of objectives to health professional deficiencies.

b. Indicate the number of potential Indian students to be contacted and recruited as well as potential cost per student recruited. Those projects that have the potential to serve a greater number of Indians will be given first consideration.

5. Soundness of Fiscal Plan (10 pts.)

a. Clearly define the budget. Provide a justification and detailed breakdown of the funding by category for the first year of the project. Information on the project director and project staff should include salaries and percentage of time assigned to the grant. List equipment purchases necessary for the conduct of the project.

b. The available funding level of $250,000 is inclusive of both direct and indirect costs. Pursuant to Public Health Service Grants Policy (DHHS Publication No. (OASH) 94–50,000 (Rev.) April 1, 1994), a 'training grant' includes a grant for ''training or other educational purposes'', and the Department of Health and Human Services considers this grant activity as having an educational purpose. Because this project has an educational purpose, and, therefore, is for a training grant, the Department of Health and Human Services' policy limiting reimbursement of indirect costs to lesser of the applicant's actual indirect costs or 8 percent of total direct cost (exclusive of tuition and related fees and expenditures for equipment) is applicable. This limitation applies to all institutions of higher education other than agencies of State and local government.

c. Projects requiring additional years must include a program narrative and categorical budget and justification for

each additional year of funding requested (this is not considered part of the 20-page narrative).

Appendix—to include:

a. Tribal Resolution(s) or Letters of Support

b. Biographical sketches of key personnel or position descriptions if position is vacant

c. Organizational chart

d. Workplan

e. Completed IHS Application Checklist

f. Application Receipt Card, PHS 3038–1 Rev. 5–90.

K. Reporting

1. Progress Report—Program progress reports shall be required semiannually. These reports will include a brief description of a comparison of actual accomplishments to the goals established for the period, reasons for slippage and other pertinent information as required. A final report is due 90 days after expiration of the budget/project period.

2. Financial Status Report—Semiannually financial status reports will be submitted 30 days after the end of the half year. A final financial status report is due 90 days after expiration of the budget/project period. Standard Form 269 (long form) will be used for financial reporting.

L. Grant Administration Requirements

Grants are administered in accordance with the following documents:

1. 45 CFR part 92, HHS, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, or 45 CFR part 74, Uniform Administrative Requirements for Awards and Subawards to Institutions of Higher Education, Hospitals, Other Nonprofit Organizations, and Commercial Organization; and Certain Grants and Agreements with States, Local Governments and Indian Tribal Governments.

2. PHS Grants Policy Statement, and

3. Appropriate Cost Principles: OMB Circular A–21, Educational Institutions, OMB Circular A–87, State and Local Governments, and OMB Circular A–122, Non-profit Organizations.

M. Objective Review Process

An Objective Review Committee (ORC) in accordance with IHS objective review procedures will review applications meeting eligibility requirements that are complete, responsive, and conform to this program announcement. The objective review process ensures a nationwide competition for limited funding. The ORC will be comprised of IHS (40% or less) and other federal or non-federal individuals (60% or more) with appropriate expertise. The ORC will review each application against established criteria. Based upon the evaluation criteria, the reviewers will assign a numerical score to each application, which will be used in making the final funding decision. Approved applications scoring less than 60 points will not be considered for funding.

N. Results of the Review

The results of the objective review are forwarded to the Director, Office of Management Support (OMS), for final review and approval. The Director, OMS, will also consider the recommendations from the Acting Director, Division of Health Professions Support, and the Grants Management Branch. Applicants are notified in writing on or about July 7, 2002. A Notice of Grant Award will be issued to successful applicants. Unsuccessful applicants are notified in writing of disapproval. A brief explanation of the reasons the application was not approved is provided along with the name of an IHS official to contact if more information is desired.

Dated: January 22, 2002.

Michael H. Trujillo,

Assistant Surgeon General, Director, Indian Health Service.

[FR Doc. 02–2090 Filed 1–28–02; 8:45 am]

BILLING CODE 4160–16–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; Behavioral and Environmental Risk Factors for Childhood Drowning

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Institute of Child Health and Human Development (NICHD), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection Title: Behavioral and Environmental Risk Factors for Childhood Drowning. Type of Information Collection Request: NEW. Need and Use of Information Collection: The proposed study seeks to determine the relationship between swimming lessons, swimming ability, and other risk or protective factors on the one hand, and the risk of drowning on the other. Drowning is the second leading cause of unintentional injury death among children in the United States. Children under the age of five years are at particularly increased risk with drowning rates peaking among 1–2 year olds. Adolescent males are also at increased risk. While some preventive strategies, such as pool fencing, are known to be effective, the impact of other preventive strategies is unclear. For example, it is estimated that at least 20% of children between the ages of 1–4 years participate in formal swimming instructions, yet the effect of these instructions on the risk of drowning is unknown. Some argue that early exposure to swimming lessons might increase the risk of drowning by increasing exposure and decreasing children's fear of the water. Among adolescents, there is some indirect evidence that more skilled swimmers may be at increased risk of drowning. Better swimmers are likely to participate in more water-related activities and may feel confident enough to swim in higher risk settings, such as remote natural bodies of water with no lifeguards present. The findings from this study will provide valuable information concerning risk and protective factors for childhood drownings, information that is crucial in directing future preventive efforts. The proposed study will utilize a case-control methodology to identify associations between behavioral and environmental factors and the risk of drowning.

Interviews will be conducted with parents/guardians of 1500 children. Additionally, interviews may be conducted with approximately 400 adolescents (ages 12 ''19 years) to assess risk behaviors related to water activities. Interviews will be conducted over a 27 month study period. Frequency of Response: Two occasions. Affected Public: Individuals or households. Type of Respondents: Parents or Guardians, Adolescents. The annual reporting burden is as follows: Estimated Number of Respondents: 1,900; Estimated Number of Responses per Respondent: 2; Average Burden Hours Per Response: 0.33; and Estimated Total Annual Burden Hours Requested: 557. There are no Capital Costs, Operating Costs and/or Maintenance Costs to report.

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper

performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Charles Grewe, Contracting Officer, NICHD, NIH. Address: 6100 Executive Blvd., Suite 7A07, Bethesda, MD 20892–7510 ; e-mail address *cg59b@nih.gov;* Phone: (301)496–4611 (collect calls can not be accepted).

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60-days of the date of this publication.

Dated: January 15, 2002.

Thomas E. Hooven,

Associate Director for Administration, NICHD.

[FR Doc. 02–2115 Filed 1–28–02; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (301) 443–7978.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: National Evaluation of the Comprehensive Community Mental Health Services for Children and Their Families Program, Phase Two—(OMB No. 0930–0192, Revision)—SAMHSA's Center for Mental Health Services (CMHS) is conducting Phase II of this national evaluation project. Phase II collects data on child mental health outcomes, family life, and service system development and performance. Child and family outcomes of interest include the following: child symptomatology and functioning, family functioning and material resources, and caregiver strain. Delivery system variables of interest include the following: system of care development, adherence to system of care principles, coordination and linkages among agencies, and congruence between services planned versus those received.

To address the research questions in the national evaluation, a longitudinal quasi-experimental design is being used that includes data collection in all grantee sites and comparison sites (where services are delivered in a more traditional manner). This multi-level evaluation is comprised of several major components. Data collection methods include interviews with caregivers and youth, site visits, case record reviews, service diaries, and provider surveys.

Data collection for this evaluation will be conducted over a six year period. The length of time that families will participate in the study ranges from 18 to 36 months depending on when they enter the evaluation. The average annual respondent burden is estimated below; this represents an annual average burden reduction of 5,537 hours from the level currently approved by the Office of Management and Budget.

This revision to the currently approved data collection activities involves: (1) Reducing the number of sites where data collection will occur from 27 to 25, (2) extending the time frame for data collection by an additional 18 months, (3) adding a treatment effectiveness study in two sites including assessment of outcomes, treatment fidelity, and interaction of the treatment with the larger system of care, (4) adding a survey of clinicians/practitioners on their use of evidence-based treatments, and (5) adding a study of how systems of care are sustained after program funding ends.

Respondent	Number of respondents	Responses/ Respondent	Burden/ Response	Total burden hours
Caregiver	5550	.86	2.36	11,264
Youth	3330	.69	1.15	2,642
Provider	1993	.54	.53	570
Total				14,476

Send comments to Nancy Pearce, SAMHSA Reports Clearance Officer, Room 16–105, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: January 22, 2002.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 02–2086 Filed 1–28–02; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (301) 443–7978.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: 2002 Survey of Mental Health Organizations, General Hospital Mental Health Services, and Managed Care Organizations (SMHO)—(OMB No 0930–0119, Revision)—The 2002 SMHO, to be conducted by SAMHSA's Center for Mental Health Services (CMHS), will be conducted in two phases. There will be only minor changes to the forms used in the 2000 SMHO. Phase I will be a brief two-three page inventory consisting of four forms: (1) A specialty mental health organization form; (2) A general hospital or Veterans Affairs Medical Center with either separate mental health services or integrated mental health services forms; (3) A community residential organization form; and (4) A managed behavioral healthcare organization form. This short inventory will be sent to all known organizations to define the universe of valid mental health organizations to be sampled in Phase II. The inventory will collect basic information regarding the name and address of the organizations, their type and ownership, size measures (e.g., number of staff), and the kinds of services provided.

Phase II will sample approximately 2,000 mental health organizations and utilize a more detailed survey instrument. Although the Sample Survey form will be more comprehensive, it will be very similar to surveys and inventories fielded in 2000 and earlier. The organizational data to be collected by the Sample Survey form include university affiliation, client/patient census by basic demographics, revenues, expenditures, and staffing.

The resulting data base will be used to provide national estimates and will be the basis of the National Directory of Mental Health Services. In addition, data derived from the survey will be published by CMHS in *Data Highlights,* in *Mental Health, United States,* and in professional journals such as *Psychiatric Services* and the *American Journal of Psychiatry. Mental Health, United States* is used by the general public, state governments, the U.S. Congress, university researchers, and other health care professionals. The following table summarizes the burden for the survey.

Questionnaire	Number of respondents	Responses/ respondent	Average hours/ response	Total burden (Hrs.)
Phase I (Inventory)				
Specialty Mental Health Organizations	3,342	1	0.25	836
General Hospitals:				
with Separate Psych. Units	1,622	1	0.25	406
without Separate Psych. Units	3,514	1	0.25	879
VA Medical Centers	145	1	0.25	36
Community Residential Organizations	945	1	0.025	236
Managed Care Organizations	990	1	0.025	248
Phase II (Sample Survey)				
Specialty Mental Health Organizations	1,308	1	3.50	4,578
General Hospitals and VA Hospitals with Separate Mental Health Services	692	1	3.50	2,422
Total	12,558			9,641
3-year Average	4,186			3,214

Send comments to Nancy Pearce, SAMHSA Reports Clearance Officer, Room 16–105, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: January 22, 2002.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 02–2087 Filed 1–28–02; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Fish and Wildlife Service

Bureau of Land Management

Minerals Management Service

Bureau of Indian Affairs

National Park Service

Bureau of Reclamation

Geological Survey

Alternate Agency Mail Sites for Submission of Comments

AGENCIES: Fish and Wildlife Service, Bureau of Land Management, Minerals Management Service, Bureau of Indian Affairs, National Park Service, Bureau of Reclamation and the Geological Survey; Interior.

ACTION: Notice of alternate agency mail sites for submission of comments to rulemaking documents, notices, and any other relevant Departmental documents under public review and for which comments have been solicited.

SUMMARY: The Office of the Secretary, along with its various agencies, gives notice to the public of alternate agency mail site for submission of comments to rulemaking documents, notices, and any other relevant Departmental documents under public review for which comments have been solicited and for which a Washington, DC, address was indicated. In addition, because the Department Internet access, including receipt of outside Email, has been shut down under court order until further notice, these alternate agency mail sites should be used instead of any electronic transmittal of public comments, unless otherwise noted by the specific agency. This notice does not apply to written comments that are to be sent to addresses outside of Washington, DC.

DATES: This notice is effective January 29, 2002.

ADDRESSES: The alternate mail sites for the submission of comments to the Department's agencies are as follows:

- Fish and Wildlife Service, 4401 North Fairfax Drive, Office of Policy, Directives and Management, Arlington, VA 22203.
- Bureau of Land Management, Eastern States Office, 7450 Boston Blvd., Springfield, VA 22153.
- Minerals Management Service. All comments will be received by the Regional Offices, as indicated in the agency's request for submission of comments, unless otherwise noted.
- Bureau of Indian Affairs, Eastern Office, Office of the Regional Director, 711 Stewarts Ferry Pike, Nashville, TN 37214.
- National Park Service. Comments will be received on a park-specific basis, as indicated in the agency's request for public comments, unless otherwise noted.
- Bureau of Reclamation. Comments will be received on a project-specific basis, as indicated in the agency's request for public comments, unless otherwise noted.
- US Geological Survey, The National Center, 12201 Sunrise Valley Drive, Reston, VA 20192.

FOR FURTHER INFORMATION CONTACT: Duncan L. Brown, Office of the Secretary, Washington, DC 202/208–4582.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to ensure that the public's comments on rulemaking documents, notices, and other relevant documents for which comments have been solicited and for which a Washington, DC, address was indicated, are received by the Department's agencies for appropriate consideration. This action is taken due to the closure of the Brentwood Postal Facility, Washington, DC, on October 21, 2001, because of the threat of anthrax contamination. While some mail from this facility has been retrieved, the delay in mail delivery to the Department's agencies in the Washington, DC, area continues because of enhanced screening of all mail coming to the agencies' Washington offices. This action today will ensure that comments that were to be sent to Washington, DC, are retrieved in a timely manner. A separate postal facility will now receive incoming comments and the agencies' offices identified in the **ADDRESSES** section of this notice (outside Washington, DC, postal delivery) will take appropriate measures to transmit public comments to the respective offices.

The Department's agencies normally encourage electronic transmittal of comments under directives for more efficient government. However, a Federal district court has ordered the shutdown of the Department's internet access, including outside Email. Consequently, the Department's agencies ask that the public submit only written comments to those agency sites as identified in the **ADDRESSES** section of this notice until further notice, because Department is not able to receive electronic submissions at this time.

Dated: January 18, 2002.

P. Lynn Scarlett,

Assistant Secretary—Policy Management and Budget.

[FR Doc. 02–1916 Filed 1–28–02; 8:45 am]

BILLING CODE 4310–RK–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–040–1430–ET; AA–82857]

Notice of Public Open House for Russian River Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, has filed an application in accordance with 43 CFR part 2300. The Bureau of Land Management Anchorage Field Office and the Forest Service Seward Ranger District announces a public Open House for the general public to consider and comment on the Forest Service application to withdraw approximately 2,998 acres of National Forest System land within the Russian River and Upper Russian Lake Recreation Corridor.

DATES: The meeting dates are:

1. February 25, 2002, 7 p.m. to 9 p.m. Anchorage.
2. February 26, 2002, 7 p.m. to 9 p.m. Soldotna.

ADDRESSES: The meeting locations are:

1. Anchorage—Campbell Creek Science Center, 6881 Abbott Loop Road, Anchorage, AK.
2. Soldotna—Kenai Peninsula Borough Assembly Chambers, 144 N. Binkley, Soldotna, AK.

SUPPLEMENTARY INFORMATION: On February 2, 2001, the U.S. Department of Agriculture, Forest Service, filed an application to withdraw the Forest Service lands from the public land laws, including location and entry under the United States mining laws, subject to

valid existing rights. The public lands have been and will remain open to mineral leasing. The proposed withdrawal will aid in protecting the fisheries, recreational, and archeological resources of the area.

The purpose of the Open House is to initiate public involvement and to solicit public comment on the proposed Forest Service withdrawal. Information obtained through the public Open House will be incorporated into the Environmental Assessment. If warranted, an Environmental Impact Statement will be done.

FOR FURTHER INFORMATION CONTACT: Kathy Stubbs at (907) 267–1284.

Peter Ditton,

Anchorage Field Manager.

[FR Doc. 02–2159 Filed 1–28–02; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–933–1430–ET; F–022951]

Public Land Order No. 7509; Partial Revocation of Public Land Order No. 2020, as Amended; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order insofar as it affects 0.36 acre of public land withdrawn for use by the Department of Army for the Alakanuk National Guard Site. The land is no longer needed for the purpose for which it was withdrawn. The land has been overtaken by the Alakanuk Pass of the Yukon River and is now submerged. The land will continue to be withdrawn as part of the Yukon Delta National Wildlife Refuge, as established and designated by the Alaska National Interest Lands Conservation Act of 1980.

EFFECTIVE DATE: January 29, 2002.

FOR FURTHER INFORMATION CONTACT: Robbie J. Havens, Bureau of Land Management, Alaska State Office, 222 W. 7th Avenue, No. 13, Anchorage, Alaska 99513–7599, 907–271–5049.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. Public Land Order No. 2020, as amended, which withdrew public land for the Alakanuk National Guard Site is hereby revoked insofar as it affects the following described land:

Seward Meridian

T. 30 N., R. 82 W.,
U.S. Survey No. 4092, lot 3.

The area described contains 0.36 acre.

2. The land affected by this order will remain part of and subject to the terms and conditions of the Yukon Delta National Wildlife Refuge pursuant to section 303(7) of the Alaska National Interest Lands Conservation Act, 16 U.S.C. 668(dd) (1994), and any other withdrawal or segregation of record.

Dated: January 17, 2002.

J. Steven Griles,

Deputy Secretary.

[FR Doc. 02–2158 Filed 1–28–02; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–956–09–1420–00]

Arizona; Notice of Filing of Plats of Survey

October 9, 2001.

1. The plats of survey of the following described land were officially filed in the Arizona State Office, Phoenix, Arizona, on the dates indicated:

A plat representing the dependent resurvey of the Seventh Standard Parallel North, through Range 18 East, (N. Bdy.), the south and east boundaries and a portion of the subdivisional lines, Township 28 North, Range 18 East, of the Gila and Salt River Meridian, Arizona, accepted August 20, 2001 and officially filed August 30, 2001.

This plat was prepared at the request of the Bureau of Indian Affairs, Western Regional Office.

A plat representing the dependent resurvey of the Seventh Standard Parallel North, through Range 19 East, (N. Bdy.), the south boundary and a portion of the subdivisional lines, and the survey of the east boundary and a portion of the subdivisional lines, Township 28 North, Range 19 East, of the Gila and Salt River Meridian, Arizona, accepted September 5, 2001 and officially filed September 14, 2001.

This plat was prepared at the request of the Bureau of Indian Affairs, Western Regional Office.

A plat representing the dependent resurvey of a portion of the west and south boundaries, a portion of the boundary of Management District Number 6, Hopi Indian Reservation, and a portion of segment ''B'' of the Navajo-Hopi Partition Line, and the survey of the Seventh Standard Parallel North through Range 20 East, (N. Bdy.), the Fifth Guide Meridian East through Township 28 North, (E. Bdy.), and the subdivisional lines, Township 28 North, Range 20 East, of the Gila and Salt River Meridian, Arizona, accepted September 17, 2001 and officially filed September 21, 2001.

This plat was prepared at the request of the Bureau of Indian Affairs, Western Regional Office.

A plat representing the survey of the south and east boundaries and the subdivisional lines, Township 36 North, Range 27 East, of the Gila and Salt River Meridian, Arizona, accepted August 23, 2001 and officially filed August 30, 2001.

This plat was prepared at the request of the Bureau of Indian Affairs, Navajo Regional Office.

A plat representing the dependent resurvey of Mineral Survey Numbers 689 and 690 and a metes-and-bounds survey in Mineral Survey Number 689, Township 13 North, Range 1 West, of the Gila and Salt River Meridian, Arizona, accepted July 10, 2001 and officially filed July 19, 2001.

This plat was prepared at the request of the United States Forest Service.

A plat in five sheets representing the dependent resurvey of a portion of the Gila and Salt River Base Line, a portion of the east and west boundaries and a portion of the subdivisional lines, the subdivision of section 13 and the metes-and-bounds survey of the Eagletail Mountains Wilderness Area boundary, Township 1 North, Range 10 West, of the Gila and Salt River Meridian, Arizona, accepted July 23, 2001 and officially filed August 3, 2001.

This plat was prepared at the request of the Bureau of Land Management, Arizona State Office.

A plat representing the metes-and-bounds survey of the Eagletail Mountains Wilderness Area boundary, in unsurveyed Township 1 North, Range 11 West, of the Gila and Salt River Meridian, Arizona, accepted July 23, 2001 and officially filed August 3, 2001.

This plat was prepared at the request of the Bureau of Land Management, Arizona State Office.

A plat in four sheets representing the dependent resurvey of a portion of the subdivisional lines, and the subdivision of sections 21 and 28, and the metes-and-bounds survey of the Eagletail Mountains Wilderness Area boundary, Township 2 North, Range 11 West, of the Gila and Salt River Meridian, Arizona, accepted July 23, 2001 and officially filed August 3, 2001.

This plat was prepared at the request of the Bureau of Land Management, Arizona State Office.

A plat in four sheets representing the dependent resurvey of a portion of the

Gila and Salt River Base Line and a portion of the subdivisional lines and the metes-and-bounds survey of the Eagletail Mountains Wilderness Area boundary, Township 1 North, Range 12 West, of the Gila and Salt River Meridian, Arizona, accepted July 30, 2001 and officially filed August 10, 2001.

This plat was prepared at the request of the Bureau of Land Management, Arizona State Office.

A plat in three sheets representing the dependent resurvey of a portion of the south boundary and the metes-and-bounds survey of the Eagletail Mountains Wilderness Area boundary in Township 2 North, Range 12 West, of the Gila and Salt River Meridian, Arizona, accepted July 30, 2001 and officially filed August 10, 2001.

This plat was prepared at the request of the Bureau of Land Management, Arizona State Office.

A plat in five sheets representing the dependent resurvey of a portion of the Gila and Salt River Base Line, Township 1 North, Range 9 West, a portion of the east and west boundaries and a portion of the subdivisional lines, the subdivision of sections 16 and 19 and the metes-and-bounds survey of the Eagletail Mountains Wilderness Area boundary, Township 1 South, Range 10 West, of the Gila and Salt River Meridian, Arizona, accepted July 30, 2001 and officially filed August 10, 2001.

This plat was prepared at the request of the Bureau of Land Management, Arizona State Office.

A plat in four sheets representing the dependent resurvey of a portion of the subdivisional lines, the subdivision of sections 24 and 26 and the metes-and-bounds survey of the Eagletail Mountains Wilderness Area boundary, Township 1 South, Range 11 West, of the Gila and Salt River Meridian, Arizona, accepted July 30, 2001 and officially filed August 10, 2001.

This plat was prepared at the request of the Bureau of Land Management, Arizona State Office.

A plat in three sheets representing the dependent resurvey of a portion of the south boundary and the metes-and-bounds survey of the Eagletail Mountains Wilderness Area boundary, Township 1 South, Range 12 West, of the Gila and Salt River Meridian, Arizona, accepted July 30, 2001 and officially filed August 10, 2001.

This plat was prepared at the request of the Bureau of Land Management, Arizona State Office.

A plat representing the metes-and-bounds survey of the Eagletail Mountains Wilderness Area boundary, Township 2 South, Range 12 West, of the Gila and Salt River Meridian, Arizona, accepted July 30, 2001 and officially filed August 10, 2001.

This plat was prepared at the request of the Bureau of Land Management, Arizona State Office.

A plat representing the dependent resurvey of a portion of the west boundary and a portion of the subdivisional lines, the subdivision of section 19 and a metes-and-bounds survey in section 19, Township 12 South, Range 19 East, of the Gila and Salt River Meridian, Arizona, accepted August 31, 2001 and officially filed September 7, 2001.

This plat was prepared at the request of the Bureau of Land Management, Arizona State Office.

These plats will immediately become the basic records for describing the land for all authorized purposes. These plats have been placed in the open files and are available to the public for information only.

2. All inquiries relating to these lands should be sent to the Arizona State Office, Bureau of Land Management, 222 N. Central Avenue, P.O. Box 1552, Phoenix, Arizona 85001–1552.

Kenny D. Ravnikar,

Chief Cadastral Surveyor of Arizona.

[FR Doc. 02–2157 Filed 1–28–02; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–960–1910–BJ–4489] ES–51278, Group 32, Missouri

Notice of Filing of Plat of Survey; Missouri

The plat of the dependent resurvey of portions of various U.S. surveys and the survey of the Locks and Dam No. 26 replacement acquisition boundary and the Lock and Dam No. 26 acquisition boundary, in Townships 47 and 48 North, Ranges 7 and 8 East of the 5th Principal Meridian, Missouri, will be officially filed in Eastern States, Springfield, Virginia at 7:30 a.m., on February 13, 2002.

The survey was requested by the U.S. Army Corps of Engineers.

All inquiries or protests concerning the technical aspects of the survey must be sent to the Chief Cadastral Surveyor, Eastern States, Bureau of Land Management, 7450 Boston Boulevard, Springfield, Virginia 22153, prior to 7:30 a.m., February 13, 2002.

Copies of the plat will be made available upon request and prepayment of the appropriate fee.

Dated: December 14, 2001.

Stephen D. Douglas,

Chief Cadastral Surveyor.

[FR Doc. 02–2160 Filed 1–28–02; 8:45 am]

BILLING CODE 4310–GJ–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before January 5, 2002. Pursuant to section 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW, NC400, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 800 N. Capitol St. NW., Suite 400, Washington, DC 20002; or by fax, 202–343–1836. Written or faxed comments should be submitted by February 13, 2002.

Carol D. Shull,

Keeper of the National Register Of Historic Places.

Arizona

Navajo County:
Winslow Commercial Historic District (Boundary Increase), 112 Kingsley Ave., Winslow, 02000012

Arkansas

Pulaski County:
Governor's Mansion Historic District (Boundary Increase), Roughly along Louisiana Ave., from W. 23rd St. and 24th St., Little Rock, 02000010

Fed. States

Kosrae Freely associated state:
Safonfok, Address Restricted, Walung, 02000004

Florida

Alachua County:
Winecoff House, 102 NE Seminary Ave., Micanopy, 02000001

Martin County:
Burn Brae Plantation—Krueger House, 1170 South East Ocean Blvd., Stuart, 02000002

Volusia County:
Chief Master at Arms House, (Florida's Historic World War II Military Resources MPS), 910 Biscayne Blvd., DeLand, 02000003

Idaho

Kootenai County:
Farragut Naval Training Station Brig, ID 54, Farragut State Park, 02000014
Washington County:
Edwards—Gillette Barn, 3059 Rush Creek Rd., Cambridge, 02000013

Missouri

Ozark County:
Hodgson-Aid Mill, MO 181, Sycamore, 02000015

New York

Clinton County:
Lyon Mountain Railroad Station, 2914 First St., Lyon Mountain, 02000005
Lewis County:
Lewis County Fairgrounds, Bostwick St., Lowville, 02000006

North Carolina

Rutherford County:
Main Street Historic District, Rpughly bounded by Blanton Alley, Huntley St., Yarboro St., and Broadway St., Forest City, 02000017
Wake County:
Apex Historic District (Boundary Increase), Grove and Thompson Sts., and parts of Hunter St., Apex, 02000016
Wilson County:
Thompson, Alfred and Martha Jane, House and Williams Barn, NC 1314, 0.4 mi. W of NC 58, New Hope, 02000007

South Dakota

Aurora County:
Lincoln House, 324 S. Main, Stickney, 02000023
Clark County:
Clark County: Courthouse, (County Courthouses of South Dakota MPS), 200 N. Commercial St., Clark, 02000026
Clay County:
Building at 125 Ohio St., 125 Ohio St., Wakonda, 02000021
Messler, Daniel A., Homestead, 30337 Greenfield Rd., Bersford, 02000022
Lawrence County:
McLaughlin Ranch Barn, 6025 E. Colorado Blvd., Spearfish, 02000025
Minnehaha County:
Dell Rapids Amphitheater, (Federal Relief Construction in South Dakota MPS), City Park, Dell Rapids, 02000020
St. Peter's Lutheran Church, 701 North Orleans, Dell Rapids, 02000018
Tolefsons Beef Stock Farm, 24450 458th Ave., Colton, 02000019
Sanborn County:
Woonsocket State Bank, 201 S. Dumont Ave., Woonsocket, 02000024

Tennessee

Shelby County:
Mt. Airy, 10700 Latting Rd., Cordova, 02000011

Texas

Dallas County:
Goodyear Tire and Rubber Company Building and B.F. Goodrich Building, 2809 Parry Ave. and 4136–40 Commerce St., Dallas, 02000009

Vermont

Chittenden County:
Sand Bar State Park, (Historic Park Landscapes in National and State Parks MPS), 1215 US 2, Milton, 02000028
Lamoille County:
Stowe CCC Side Camp, 6992 Mountain Rd., Stowe, 02000027
Orange County:
Thetford Hill State Park, (Historic Park Landscapes in National and State Parks MPS), 622 Academy Rd., Thetford, 02000029
Windham County:
Townshend State Park, (Historic Park Landscapes in National and State Parks MPS), 2755 State Forest Rd., Townshend, 02000030

Wisconsin

Bayfield County:
Forest Lodge, Garmisch Rd., Namakagon, 02000031

A Request for REMOVAL has been made for the following resource:

Mississippi

Jackson County:
Cochran-Cassanova House (Ocean Springs MRA), 9000 Robinson St., Ocean Springs, 87000595

[FR Doc. 02–2062 Filed 1–28–02; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before January 12, 2002. Pursuant to section 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW, NC400, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 800 N. Capitol St. NW, Suite 400, Washington DC, 20002; or by fax, 202–343–1836. Written or faxed comments should be submitted by February 13, 2002.

Carol D. Shull,

Keeper of the National Register of Historic Places.

Arizona

Cochise County:
Sacred Heart Church, 516 Safford St., Tombstone, 02000032
Pima County:
Arizona Daily Star Building, 30 N. Church Ave., Tucson, 02000033

Arkansas

Pulaski County:
Argenta Historic District (Boundary Increase), 616 Orange St., 116 W. 7th St., 206 W. 7th St., 212 W. 7th St., 220 W. 7th St., 616 Maple St., and 620 Maple St., North Little Rock, 02000076

California

Los Angeles County:
Azusa Civic Center, 213 Foothill Blvd., Azusa, 02000034

Colorado

El Paso County:
Colorado Springs City Hall, 107 N. Nevada Ave., Colorado Springs, 02000075

Delaware

New Castle County:
Wilmington YMCA, 501 W. 11th St., Wilmington, 02000035

Georgia

Chattooga County:
Riegel Hospital, 194 Allgood St., Trion, 02000079
Fulton County:
Empire Manufacturing Company Building, 575 Glen Iris Dr., NE, Atlanta, 02000078
Greene County:
Siloam Junior High School, 473 GA 15S, Siloam, 02000036
Harris County:
Whitesville Methodist Episcopal Church, South, and Cemetery, 4731 Pine Lake Rd., Whitesville, 02000077
Lumpkin County:
Holly Theatre, 69 W. Main St., Dahlonega, 02000080

Illinois

Richland County:
Olney Carnegie Library, (Illinois

Carnegie Libraries MPS) 401 E. Main St., Olney, 02000037

Louisiana

Orleans Parish:
Shell Building, 925 Common St., New Orleans, 02000039
Red River Parish:
Thomas House, 787 LA, Martin, 02000038

Massachusetts

Barnstable County:
Teaticket School, 340 Teaticket Hwy, MA 28 at Sandwich Rd., Falmouth, 02000082
Suffolk County:
Francis and Isabella Apartments, 430–432 and 434–436 Dudley St., Boston, 02000081

Michigan

Berrien County:
Fidelity Building, 162 Pipestone St., Benton Harbor, 02000042
Calhoun County:
Milk Producers Company Barn, 47 S. Cass St., Battle Creek, 02000043
Menominee County:
Wells, J.W., State Park, N7670 MI M–35, Cedarville, 02000040
Wayne County:
Ford Piquette Avenue Plant, 411 Piquette Ave., Detroit, 02000041
Leland, Nellie, School, 1395 Antietam St., Detroit, 02000044

Mississippi

Harrison County:
Biloxi Veterans Administration Medical Center, 400 Veterans Ave., Biloxi, 02000045

Missouri

Johnson County:
Howard School, 400 W. Culton St., Warrensburg, 02000046

Montana

Lewis and Clark County:
Montana State Arsenal, Armory and Drill Hall, 1100 North Main, Helena, 02000048
Stillwater County:
4K Ranch, Fiddler Creek Rd., Dean, 02000049
Halfway House, 3951 MT 78, Columbus, 02000047

New Mexico

Bernalillo County:
Jonson Gallery and House, 1909 Las Lomas Rd. NE, Albuquerque, 02000050
Eddy County:
Dark Canyon Apache Rancheria—Military Battle Site, Address Restricted, Queen, 02000083

New York

Onondaga County:
Berkeley Park Subdivision Historic District, (Historic Designed Landscapes of Syracuse MPS) Roughly bounded by Strattford St., Ackerman Ave., Morningside Cemetery, and Comstock Ave., Syracuse, 02000055
Oswego County:
Clarke, Edwin W. and Charlotte, House, (Freedom Trail, Abolitionism, and African American Life in Central New York MPS), 80 E. Mohawk St., Oswego, 02000052
Green, Nathan and Clarissa, House, (Freedom Trail, Abolitionism, and African American Life in Central New York MPS), 98 West Eight St., Oswego, 02000054
Littlefield, Hamilton and Rhoda, House, (Freedom Trail, Abolitionism, and African American Life in Central New York MPS), 44 E. Oneida St., Oswego, 02000051
Pease, Daniel and Miriam, House, (Freedom Trail, Abolitionism, and African American Life in Central New York MPS), 361 Cemetery Rd., Oswego, 02000053

North Carolina

Mecklenburg County:
Pharradale Historic District, Bounded by Biltmore, Dr., Cherokee Rd., Providence Rd. and Scotland Ave., Charlotte, 02000057
Pitt County:
Red Banks Primitive Baptist Church, NC 1704, jct. with NC 1725, Bell Fork, 02000060
Rutherford County:
Washburn Historic District, 2401, 2426, 2436 Bostic-Sunshine Hwy, 1391,1392 Andrews Mill Rd., 126–156, 157 Salem Church Rd., Bostic, 02000056
Wake County:
Downtown Wake Forest Historic District, (Wake County MPS) South White St. roughly from E. Roosevelt Ave. to Owen Ave., Wake Forest, 02000059
Glenwood—Brooklyn Historic District (Boundary Increase and Decrease), Roughly bounded by W. Peace St., St. Mary's St., Wills Forest St. and Glenwood Ave., Raleigh, 02000058

Ohio

Erie County:
First Regular Anti-Slavery Baptist Church, 315 Decatur St., Sandusky, 02000061
Summit County:
Schmitt, Louis, House and Store, 2967 Hickory St., Clinton, 02000084

Pennsylvania

Blair County:
Knickerbocker Historic District, 4th, 5th and 6th Aves., Burgoon Rd., 40th and 41Sts., Altoona, 02000064
Bradford County:
Troy Public High School, 250 High St., Troy, 02000067
Chester County:
Byers Station Historic District, Jct. of Byers and Eagle Farm Rds., Upper Uwchlan, 02000062
Franklin County:
Burns, Jeremiah, Farm, 10988 Fish and Game Rd., Waynesboro, 02000065
Lancaster County:
Byers—Muma House, 1402 Trout Run Rd., East Donegal, 02000070
Mifflin County:
Pennsylvania Main Line Canal, Juniata Division, Canal Section, 1.5 mi. section of canal bet. PA RR Main Line and Juniata River, Granville Township, 02000069
Philadelphia County:
Fairmount Avenue Historic District, Fairmount Ave., Melon St., North St., 15th St., 16th St., and 17th St., Philadelphia, 02000066
Smyser and English Pharmacy, 245–247 W. Chelten Ave., Philadelphia, 02000071
Social Service Building, 311 S. Juniper St., Philadelphia, 02000063
Somerset County:
Second National Bank of Meyersdale, 151 Center St., Meyersdale, 02000068

Tennessee

White County:
Community Building, 5 W. Maple St., Sparta, 02000085

Texas

Harris County:
Houston Post-Dispatch Building, 609 Fannin, Houston, 02000072
Hays County:
Bunton Branch Bridge, Cty. Rd. 210, approx. 0.2 mi. NW of jct. with IH–35 at Bunton Overpass, Kyle, 02000086

Washington

King County:
McGrath Cafe and Hotel—The McGrath, 101 W. North Bend Way, North Bend, 02000089
Snohomish County:
Stanwood IOOF Public Hall, 27128 102nd Ave. NW, Stanwood, 02000087
Spokane County:
Hutton, Levi and May Arkwright, House, 2206 W. 17th Ave., Spokane, 02000088

Wisconsin

Oconto County:

Boulder Lake Site, (Historic Logging Industry in State Region 2 and the Nicolet NF MPS), Address Restricted, Doty, 02000073

In an effort to assist in the preservation of the following resource the comment period has been reduced to three (3) days:

California

Los Angeles County:
Hoover Hotel, 7035 Greenleaf Ave., Whittier, 02000074

A request for REMOVAL has been made for the following resources:

Iowa

Muscatine County:
Bowman Livery Stable, 219 E. Mississippi Dr., Muscatine, 74000799

Tennessee

Montgomery County:
Drane-Foust House, 319 Home Ave., Clarksville, 88001023

Shelby County:
Saunders, Clarence, Estate, 5922 Quince, Memphis, 89001969

[FR Doc. 02–2063 Filed 1–28–02; 8:45 am]

BILLING CODE 4310–70–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–943 (Final)]

Circular Welded Non-Alloy Steel Pipe From China

AGENCY: United States International Trade Commission.

ACTION: Scheduling of the final phase of an antidumping investigation.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping investigation No. 731–TA–943 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act) to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of less-than-fair-value imports from China of circular welded non-alloy steel pipe, provided for in subheadings 7306.30.10 and 7306.30.50 of the Harmonized Tariff Schedule of the United States.[1]

For further information concerning the conduct of this phase of the investigation, hearing procedures, and rules of general application, consult the Commission's rules of practice and procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

EFFECTIVE DATE: December 31, 2001.

FOR FURTHER INFORMATION CONTACT: Sioban Maguire (202–708–4721), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server *(http://www.usitc.gov).* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at *http://dockets.usitc.gov/eol/public.*

SUPPLEMENTARY INFORMATION:

Background.—The final phase of this investigation is being scheduled as a result of an affirmative preliminary determination by the Department of Commerce that imports of certain circular welded carbon quality steel pipe from China are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. 1673b). The investigation was requested in a petition filed on May 24, 2001, by Allied Tube & Conduit Corp., Harvey, IL; IPSCO Tubulars, Inc., Camanche, IA; LTV Copperweld, Youngstown, OH; Northwest Pipe Co., Portland, OR; Western Tube & Conduit Corp., Long Beach, CA; Century Tube Corp., Pine Bluff, AR; Laclede Steel Co., St. Louis, MO; Maverick Tube Corp., Chesterfield, MO; Sharon Tube Co., Sharon, PA; Wheatland Tube Co., Wheatland, PA; and the United Steelworkers of America, AFL–CIO.

Participation in the investigation and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in §201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigation need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to §207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of this investigation available to authorized applicants under the APO issued in the investigation, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. § 1677(9), who are parties to the investigation. A party granted access to BPI in the preliminary phase of the investigation need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of this investigation will be placed in the nonpublic record on May 6, 2002, and a public version will be issued thereafter, pursuant to §207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of this investigation beginning at 9:30 a.m. on May 17, 2002 at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before May 9, 2002. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference

[1] For purposes of this investigation, the Department of Commerce has defined the subject merchandise as ''certain welded carbon quality steel pipes and tubes, of circular cross section, with an outside diameter of 0.372 inch (9.45 mm) or more, but not more than 16 inches (406.4 mm), regardless of wall thickness, surface finish (black, galvanized, or painted), end finish (plain end, beveled end, grooved, threaded, or threaded and coupled), or industry specification (ASTM, proprietary, or other), generally known as standard pipe and structural pipe.'' The scope also includes dual-certified A–53/API or single certified pipe that enters the United States if it is used in, or intended for use in, standard pipe or structural pipe applications. The scope does not include boiler tubes, pressure tubing, mechanical tubing, finished conduit, oil country tubular goods, and line pipe. The subject product, along with other types of pipe, is provided for in subheadings 7306.30.10 and 7306.30.50 of the Harmonized Tariff Schedule of the United States. For a more detailed description of the merchandise subject to this investigation, see Commerce's notice of preliminary determination (66 FR 67500, December 31, 2001).

to be held at 9:30 a.m. on May 14, 2002, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by §§201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of §207.23 of the Commission's rules; the deadline for filing is May 13, 2002. Parties may also file written testimony in connection with their presentation at the hearing, as provided in §207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of §207.25 of the Commission's rules. The deadline for filing posthearing briefs is May 24, 2002; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before May 24, 2002. On June 13, 2002, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before June 17, 2002, but such final comments must not contain new factual information and must otherwise comply with §207.30 of the Commission's rules. All written submissions must conform with the provisions of §201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with §§201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to §207.21 of the Commission's rules.

Issued: January 24, 2002.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 02–2141 Filed 1–28–02; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. TA–204–8]

Lamb Meat:[1] Evaluation of the Effectiveness of Import Relief

AGENCY: United States International Trade Commission.

ACTION: Institution of an investigation and scheduling of a hearing under section 204(d) of the Trade Act of 1974 (19 U.S.C. 2254(d)) (the Act).

SUMMARY: Pursuant to section 204(d) of the Act, the Commission has instituted investigation No. TA–204–8, Lamb Meat: Evaluation of the Effectiveness of Import Relief, for the purpose of evaluating the effectiveness of the relief action imposed by the President on imports of fresh, chilled, and frozen lamb meat under section 203 of the Act, which terminated on November 15, 2001.

The President imposed the relief action on July 7, 1999, in the form of a tariff-rate quota (TRQ) following receipt of an affirmative injury determination and relief recommendation from the Commission on April 5, 1999. See Proclamation 7208 of July 7, 1999 (64 FR 37389, July 9, 1999), as modified by Proclamation 7214 of July 30, 1999 (64 FR 42265, August 4, 1999). The TRQ was imposed for a period of 3 years and 1 day but was terminated on November 15, 2001. In addition to implementing the TRQ, the President directed the Secretary of Agriculture to establish adjustment assistance programs to facilitate efforts of the domestic lamb industry to make a positive adjustment to import competition. On January 13, 2000, the Secretary of Agriculture announced a 3-year $100 million assistance package for sheep and lamb farmers (Lamb Meat Adjustment Assistance Program (LMAAP)) which continues. Further, on August 31, 2001, USTR announced it would provide an additional $42.7 million to assist the domestic lamb industry to continue adjusting to import competition. Section 204(d) of the Act requires the Commission, following termination of a relief action, to evaluate the effectiveness of the action in facilitating positive adjustment by the domestic industry to import competition. The Commission is required to submit a report on the evaluation made to the President and the Congress no later than 180 days after the day on which the relief action taken under section 203(a) of the Act has terminated.

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's rules of practice and procedure, part 201, subparts A through E (19 CFR part 201), and part 206, subparts A and F (19 CFR part 206).

EFFECTIVE DATE: January 22, 2002.

FOR FURTHER INFORMATION CONTACT: Debra Baker (202–205–3180), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at *http://dockets.usitc.gov/eol/public.*

SUPPLEMENTARY INFORMATION:

Participation in the investigation and service list.—Persons wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, not later than 14 days after publication of this notice in the **Federal Register**. The Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

Public hearing.—As required by statute, the Commission has scheduled a hearing in connection with this investigation. The hearing will be held beginning at 9:30 a.m. on April 16, 2002, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before April 8, 2002. All persons desiring to appear at the hearing and

[1] Lamb meat is provided for in subheadings 0204.10.00, 0204.22.20, 0204.23.20, 0204.30.00, 0204.42.20, and 0204.43.20 of the Harmonized Tariff Schedule of the United States.

make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on April 11, 2002, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the hearing are governed by sections 201.6(b)(2) and 201.13(f) of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 days prior to the date of the hearing.

Written submissions.—Each party is encouraged to submit a prehearing brief to the Commission. The deadline for filing prehearing briefs is April 10, 2002. Parties may also file posthearing briefs. The deadline for filing posthearing briefs is April 22, 2002. In addition, any person who has not entered an appearance as a party to the investigation may submit, on or before April 22, 2002, a written statement concerning the matters to be addressed in the Commission's report to the President. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain confidential business information must also conform with the requirements of section 201.6 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with section 201.16(c) of the Commission's rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under the authority of section 204(d) of the Trade Act of 1974; this notice is published pursuant to section 206.3 of the Commission's rules.

Issued: January 23, 2002.

By order of the Commission.

Marilyn R. Abbott,

Acting Secretary.

[FR Doc. 02–2072 Filed 1–28–02; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–468]

In the Matter of Certain Microlithographic Machines and Components Thereof; Notice of Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 21, 2001, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Nikon Corporation of Tokyo, Japan, Nikon Precision Inc. of Belmont, California, and Nikon Research Corporation of America, also of Belmont, California. A letter supplementing the complaint was filed on January 10, 2002. The complaint as supplemented alleges violations of section 337 in the importation into the United States and the sale within the United States after importation of certain microlithographic machines and systems, and components thereof, by reason of infringement of claim 15 of U.S. Letters Patent 5,638,211, claims 1, 8, 12, and 17 of U.S. Letters Patent 6,233,041, claim 19 of U.S. Letters Patent 5,473,410, claims 1 and 30 of U.S. Letters Patent 6,271,640, claims 1 and 7 of U.S. Letters Patent 6,008,500, claims 1 and 16 of U.S. Letters Patent 6,255,796, and claims 1, 78, and 84 of U.S. Letters Patent 6,323,935. The complaint further alleges that an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue a permanent exclusion order and a permanent cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone 202–205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at *http://dockets.usitc.gov/eol/public.*

FOR FURTHER INFORMATION CONTACT: David H. Hollander, Jr., Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202–205–2746.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in § 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2001).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on January 22, 2001, Ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation, of certain microlithographic machines or components thereof by reason of infringement of claim 15 of U.S. Letters Patent 5,638,211, claims 1, 8, 12, or 17 of U.S. Letters Patent 6,233,041, claim 19 of U.S. Letters Patent 5,473,410, claims 1 or 30 of U.S. Letters Patent 6,271,640, claims 1 or 7 of U.S. Letters Patent 6,008,500, claims 1 or 16 of U.S. Letters Patent 6,255,796, or claims 1, 78, or 84 of U.S. Letters Patent 6,323,935, and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are—

Nikon Corporation, Fuji Building, 2–3, Marunouchi 3-chome, Chiyoda-ku Tokyo, 100–8331, Japan

Nikon Precision Inc., 1399 Shoreway Road, Belmont, CA 94002–4107

Nikon Research Corporation of America, 1399 Shoreway Road, Third Floor, Belmont, CA 94002–4107

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

ASM Lithography Holding N.V., De Run 1110, 5503 LA, Veldhoven, The Netherlands

ASM Lithography B.V. De Run 1110 5503 LA, Veldhoven The Netherlands

ASM Lithography, Inc., 8555 S. River Parkway, Tempe, AZ 85284

(c) Juan Cockburn, Esq., and David H. Hollander, Jr., Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Suite 401, Washington, DC 20436, who

shall be the Commission investigative attorneys, party to this investigation; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with § 210.13 of the Commission's rules of practice and procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such responses will be considered by the Commission if received no later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and to authorize the administrative law judge and the Commission, without further notice to that respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against that respondent.

Issued: January 23, 2002.

By order of the Commission.

Marilyn R. Abbott,

Acting Secretary.

[FR Doc. 02–2140 Filed 1–28–02; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By notice dated August 30, 2001, and published in the **Federal Register** on September 10, 2001, (66 FR 47039), Applied Science Labs, Inc., A Division of Alltech Associates, Inc., 2701 Carolean Industrial Drive, P.O. Box 440, State College, Pennsylvania 16801, made application by renewal to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Heroin (9200)	I
Cocaine (9041)	II
Codeine (9050)	II
Meperidine (9230)	II
Methadone (9250)	II
Morphine (9300)	II

The firm plans to import these controlled substances for the manufacture of references standards.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, section 823(a) and determined that the registration of Applied Science Labs, Inc. to import the listed controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Applied Science Labs, Inc. on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations, section 1301.34, the above firm is granted registration as an importer of the basic classes of controlled substances listed above.

Dated: January 16, 2002.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 02–2080 Filed 1–28–02; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By notice dated July 13, 2001, and published in the **Federal Register** on July 23, 2001, (66 FR 38321), Applied Science Labs, Division of Alltech Associates, Inc., 2701 Carolean Industrial Drive, P.O. Box 440, State College, Pennsylvania 16801, made application by letter to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of 4-Bromo-2, 5-dimethoxphenethylamine (7392), a basic class of controlled substance listed in Schedule I.

The firms plans to manufacture small quantities of the listed controlled substance for reference standards.

No comments or objections were received. DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Applied Science Labs to manufacture the listed controlled substance is consistent with the public interest at this time. DEA has investigated Applied Science Labs on a regular basis to ensure that the company's continued registration is consistent with the public interest. This investigation has included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: January 16, 2002.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 02–2081 Filed 1–28–02; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By notice dated June 19, 2001, and published in the **Federal Register** on July 3, 2001 (66 FR 35269), the National Center for Natural Products Research-NIDA MProject, University of Mississippi, 135 Coy Walker Complex, University, Mississippi 38677, made application to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the controlled substance listed below:

Drug	Schedule
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I

The firm will cultivate marihuana for the National Institute of Drug Abuse for research approved by the Department of Health and Human Services.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of National Center for Natural Products Research-NIDA MProject to manufacture the listed controlled substances is consistent with the public interest at this time. DEA has investigated National Center for Natural Products Research-NIDA MProject to ensure that the company's registration is consistent with the public interest. This investigation included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: January 16, 2002.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 02–2082 Filed 1–28–02; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By notice dated August 2, 2001, and published in the **Federal Register** on August 10, 2001 (66 FR 42240), Sigma Chemical Company, Subsidiary of Sigma-Aldrich Company, which has changed its name to Sigma-Aldrich Company, 3500 Dekalb Street, St. Louis, Missouri 63118, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Cathinone (1235)	I
Methcathinone (1237)	I
Aminorex (1585)	I
Gamma hydroxbutyric acid (2010)	I
Methaqualone (2565)	I
Ibogaine (7260)	I
Lysergic acid diethylamide (7315)	I
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
4-Bromo-2, 5-dimethoxyamphetamine (7391).	I
4-Bromo-2, 5-dimethoxyphenethylamine (7392).	I
2, 5-Dimethoxyamphetamine (7396).	I
3, 4-Methylenedioxyamphetamine (7400).	I
N-Hydroxy-3, 4-methylenedioxyamphetamine (7402).	I
3, 4-Methylenedioxy-N-ethylamphetamine (7404).	I
3, 4-Methylenedioxymethamphetamine (7405).	I
4-Methoxyamphetamine (7411)	I
Bufotenine (7433)	I
Psilocyn (7438)	I
Heroin (9200)	I
Normorphine (9313)	I
Etonitazene (9624)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Methylphenidate (1724)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Glutethimide (2550)	II
Phencyclidine (7471)	II
Cocaine (9041)	II
Codeine (9050)	II
Diprenorphine (9058)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Benzoylecgonine (9180)	II
Ethylmorphine (9190)	II
Hydrocodone (9193)	II
Levorphanol (9220)	II
Meperidine (9230)	II
Methadone (9250)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273).	II
Morphine (9300)	II
Thebaine (9333)	II
Opium powdered (9639)	II
Oxymorphone (9653)	II
Fentanyl (9801)	II

The firm plans to repackage and offer as pure standards controlled substances in small milligram quantities for drug testing and analysis.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, section 823(a) and determined that the registration of Sigma-Aldrich Company is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Sigma-Aldrich Company on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations, section 1311.42, the above firm is granted registration as an importer of the basic classes of controlled substances listed above.

Dated: January 16, 2002.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 02–2079 Filed 1–28–02; 8:45 am]

BILLING CODE 4410–09–M

MISSISSIPPI RIVER COMMISSION

Sunshine Act Meetings

Agency Holding the Meetings: Mississippi River Commission.

Time and Date: 8:30 a.m., March 4, 2002.

Place: On board MISSISSIPPI V at City Front, Cairo, IL.

Status: Open to the public.

Matters to be Considered: (1) State of the Valley Report by President of the Commission on general conditions of the Mississippi River and Tributaries project and regional and national issues affecting the Corps of Engineers programs and projects; (2) District Commander's report on the Mississippi River and Tributaries project within Memphis District area; and (3) Presentations by public participants on Corps of Engineers issues.

Time and Date: 9 a.m., March 5, 2002.

Place: On board MISSISSIPPI V at Mud Island River Park Landing, Memphis, TN.

Status: Open to the public.

Matters to be Considered: (1) State of the Valley Report by President of the Commission on general conditions of the Mississippi River and Tributaries project and regional and national issues affecting the Corps of Engineers programs and projects; (2) District Commander's report on the Mississippi River and Tributaries project within Memphis District area; and (3) Presentations by public participants on Corps of Engineers issues.

Time and Date: 3:00 p.m., March 6, 2002.

Place: On board MISSISSIPPI V at City Front, Vicksburg, MS.

Status: Open to the public.

Matters to be Considered: (1) State of the Valley Report by President of the Commission on general conditions of the Mississippi River and Tributaries

project and regional and national issues affecting the Corps of Engineers programs and projects; (2) District Commander's report on the Mississippi River and Tributaries project within Vicksburg District area; and (3) Presentations by public participants on Corps of Engineers issues.

Time and Date: 1:30 p.m., March 7, 2002.

Place: On board MISSISSIPPI V at City Dock above USS Kidd, Baton Rouge, LA.

Status: Open to the public.

Matters to be Considered: (1) State of the Valley Report by President of the Commission on general conditions of the Mississippi River and Tributaries project and regional and national issues affecting the Corps of Engineers programs and projects; (2) District Commander's report on the Mississippi River and Tributaries project within New Orleans District area; and (3) Presentations by public participants on Corps of Engineers issues.

CONTACT PERSON FOR MORE INFORMATION: Mr. Stephen Gambrell, telephone 601–634–5766.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02–2218 Filed 1–25–02; 11:53 am]

BILLING CODE 3710–GX–M

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting

Time and Place: 9:30 a.m., Tuesday, February 5, 2002.

Place: NTSB Conference Center, 429 L'Enfant Plaza SW., Washington, DC 20594.

Status:

The one item is open to the public.

Matter To Be Considered:

7168A: Railroad Accident Report—Collision of Amtrak Train 59 with a Loaded Truck Tractor-Semitrailer Combination at a Highway/Rail Grade Crossing in Bourbonnais, Illinois, March 15, 1999

News Media Contact: Telephone: (202) 314–6100.

Individuals requesting specific accommodations should contact Ms. Carolyn Dargan at (202) 314–6305 by Friday, February 1, 2002.

FOR MORE INFORMATION CONTACT: Vicky D'Onofrio, (202) 314–6410.

Dated: January 25, 2002.

Vicky D'Onofrio,

Federal Register Liaison Officer.

[FR Doc. 02–2243 Filed 1–25–02; 2:02 pm.]

BILLING CODE 7533–01–M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information Pertaining to the Requirement To Be Submitted:

1. *The title of the information collection*: 10 CFR part 81, Standard Specifications for Granting of Patent Licenses.
2. *Current OMB approval number*: 3150–0121.
3. *How often the collection is required*: Applications for license are submitted once. Other reports are submitted annually or as other events require.
4. *Who is required or asked to report*: Applicants for and holder of NRC licenses to NRC inventions.
5. *The number of annual respondents*: 0.
6. *The number of hours needed annually to complete the requirement or request*: 37 hours; however, no applications are anticipated during the next three years.
7. *Abstract*: 10 CFR part 81 establishes the standard specifications for the issuance of licenses to rights in inventions covered by patents or patent applications invested in the United States, as represented by or in the custody of the Commission and other patents in which the Commission has legal rights.

Submit, by April 1, 2002, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the burden estimate accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F23, Rockville, MD 20852. OMB clearance requests are available at the NRC World Wide Web site: *http://www.nrc.gov/NRC/PUBLIC/OMB/index.html*. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T–6 E6, Washington, DC 20555–0001, by telephone at 301–415–7233, or by Internet electronic mail at *INFOCOLLECTS@NRC.GOV*.

Dated at Rockville, Maryland, this 24th day of January 2002.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 02–2078 Filed 1–28–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–335 and 50–389]

Florida Power and Light Company St. Lucie Nuclear Plant, Units 1 and 2; Notice of Acceptance for Docketing of the Application and Notice of Opportunity for a Hearing Regarding Renewal of Facility Operating License Nos. DPR–67 and NPF–16 for an Additional 20-Year Period

The U.S. Nuclear Regulatory Commission (NRC or Commission) is considering an application for the renewal of Operating License Nos. DPR–67 and NPF–16, which authorize Florida Power and Light Company to operate St. Lucie Nuclear Plant, Units 1 and 2, at 2700 megawatts thermal. The renewed license would authorize the applicant to operate St. Lucie Unit 1 for an additional 20 years beyond the period specified in the current license. For St. Lucie Unit 2, the renewed license would authorize the applicant to operate for an additional 20 years beyond the period specified in the current license or forty years from the date of issuance of the new license, whichever occurs first. The current

operating licenses for St. Lucie Nuclear Plant, Units 1 and 2, expire on March 1, 2016, and April 6, 2023, respectively.

Florida Power and Light Company submitted an application to renew the operating licenses for St. Lucie Nuclear Plant, Units 1 and 2, on November 29, 2001. A Notice of Receipt of Application, ''Florida Power and Light Company, St. Lucie Nuclear Plant, Units 1 and 2; Notice of Receipt of Application for Renewal of Facility Operating License Nos. DPR–67 and NPF–16 for an Additional 20-Year Period,'' was published in the **Federal Register** on December 27, 2001 (66 FR 66946).

The NRC staff has determined that Florida Power and Light Company has submitted information in accordance with 10 CFR 54.19, 54.21, 54.22, 54.23, and 51.53(c) that is complete and acceptable for docketing. The current Docket Nos. 50–335 and 50–389 for Operating License Nos. DPR–67 and NPF–16, respectively, will be retained. The docketing of the renewal application does not preclude requesting additional information as the review proceeds, nor does it predict whether the Commission will grant or deny the application.

Before issuance of each requested renewed license, the NRC will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the NRC's rules and regulations. In accordance with 10 CFR 54.29, the NRC will issue a renewed license on the basis of its review if it finds that actions have been identified and have been or will be taken with respect to (1) managing the effects of aging during the period of extended operation on the functionality of structures and components that have been identified as requiring aging management review, and (2) time-limited aging analyses that have been identified as requiring review, such that there is reasonable assurance that the activities authorized by the renewed license will continue to be conducted in accordance with the current licensing basis (CLB) and that any changes made to the plant's CLB comply with the Act and the Commission's regulations.

Additionally, in accordance with 10 CFR 51.95(c), the NRC will prepare an environmental impact statement that is a supplement to the Commission's NUREG–1437, ''Generic Environmental Impact Statement for License Renewal of Nuclear Power Plants'' (May 1996). Pursuant to 10 CFR 51.26, and as part of the environmental scoping process, the staff intends to hold a public scoping meeting. Detailed information regarding this meeting will be included in a future **Federal Register** notice. The Commission also intends to hold public meetings to discuss the license renewal process and the schedule for conducting the review. The Commission will provide prior notice of these meetings. As discussed further herein, in the event that a hearing is held, issues that may be litigated will be confined to those pertinent to the foregoing.

By February 28, 2002, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene with respect to the renewal of the licenses in accordance with the provisions of 10 CFR 2.714. Interested persons should consult a current copy of 10 CFR 2.714, which is available at the Commission's Public Document Room, 11555 Rockville Pike (first floor) Rockville, Maryland, and on the NRC Web site at *http://www.nrc.gov* (the Electronic Reading Room). If a request for a hearing or a petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request(s) and/or petition(s), and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order. In the event that no request for a hearing or petition for leave to intervene is filed by the above date, the NRC may, upon completion of its evaluations and upon making the findings required under 10 CFR parts 54 and 51, renew the licenses without further notice.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding, taking into consideration the limited scope of matters that may be considered pursuant to 10 CFR parts 54 and 51. The petition must specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order that may be entered in the proceeding on the petitioner's interest. The petition must also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the board up to 15 days before the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days before the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene that must include a list of the contentions that the petitioner seeks to have litigated in the hearing. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of each contention and a concise statement of the alleged facts or the expert opinion that supports the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the action under consideration. The contention must be one that, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement that satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

Requests for a hearing and petitions for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, 11555 Rockville Pike (first floor), Rockville, Maryland, 20852–2738, by the above date. A copy of the request for a hearing and the petition to intervene should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Mr. J. A. Stall, Senior Vice

President, Nuclear and Chief Nuclear Officer, Florida Power and Light Company, 700 Universe Boulevard, Post Office Box 029100, Juno Beach, FL 33408–0420.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions, and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

Detailed information about the license renewal process can be found under the nuclear reactors' icon of the NRC's Web page at *http://www.nrc.gov.*

A copy of the application is available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or on the NRC Web site from the NRC's Agencywide Documents Access and Management System (ADAMS). The ADAMS Public Electronic Reading Room is accessible from the NRC Web site at *http://www.nrc.gov/reading-rm/adams.html.* The staff has verified that a copy of the license renewal application for the St. Lucie Nuclear Plant has been provided to the Indian River Community College library located at Fort Pierce, Florida.

Dated at Rockville, Maryland, the 24th day of January 2002.

For the Nuclear Regulatory Commission.

Christopher I. Grimes,

Program Director, License Renewal and Environmental Impacts, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.

[FR Doc. 02–2142 Filed 1–28–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Meeting of the Subcommittee on Reactor Fuels; Notice of Meeting

The ACRS Subcommittee on Reactor Fuels will hold a meeting on February 12, 2002, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Tuesday, February 12, 2002—8:30 a.m. until the conclusion of business

The Subcommittee will discuss the staff's safety evaluation of a construction authorization application submitted by the Duke Cogema Stone & Webster for a Mixed Oxide (MOX) Fuel Fabrication Facility. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the Designated Federal Official named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting the Designated Federal Official, Ms. Maggalean W. Weston (telephone 301/415–3151) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes in the proposed agenda, etc., that may have occurred.

Dated: January 22, 2002.

Sher Bahadur,

Associate Director for Technical Support.

[FR Doc. 02–2076 Filed 1–28–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Sageguards Joint Meeting of the ACRS Subcommittees on Thermal-Hydraulic Phenomena and on Future Plant Designs; Notice of Meeting

The ACRS Subcommittees on Thermal-Hydraulic Phenomena and on Future Plant Designs will hold a joint meeting on February 13–15, 2002, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

Portions of the meeting may be closed to public attendance to discuss Westinghouse Electric Company and General Electric Nuclear Energy proprietary information per 5 U.S.C. 552b(c)(4).

The agenda for the subject meeting shall be as follows:

Wednesday, February 13, 2002—8:30 a.m. until the conclusion of business and Thursday, February 14, 2002—8:30 a.m. until 12 Noon

The Subcommittees will begin review of the license amendment request of Entergy Operations, Inc. for a core power uprate for the Arkansas Nuclear One, Unit 2 plant. Also, they will begin review the license amendment request of the Exelon Generation Company for a core power uprate for the Clinton Power Station, Unit 1.

Thursday, February 14, 2002—1 p.m. until the conclusion of business and Friday, February 15, 2002—8:30 a.m. until the conclusion of business

The Subcommittees will continue their review of the Phase 2 pre-application review of the Westinghouse Electric Company's AP1000 passive plant design.

The purpose of this meeting is to gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman. Written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittees, their consultants, and staff. Persons desiring to make oral statements should notify the Designated Federal Official named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittees, along with

any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittees will then hear presentations by and hold discussions with representatives of the NRC staff, Entergy Operations, Inc., Exelon Generation Company, the Westinghouse Electric Company, GE Nuclear Energy, and other interested persons regarding this review.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been canceled or rescheduled, and the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor, can be obtained by contacting the Designated Federal Official, Mr. Paul A. Boehnert (telephone 301–415–8065) between 7:30 a.m. and 5 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes to the agenda, etc., that may have occurred.

Dated: January 22, 2002.

Sher Bahadur,

Associate Director for Technical Support.

[FR Doc. 02–2077 Filed 1–28–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act; Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of January 28, February 4, 11, 18, 25, March 4, 2002.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of January 28, 2002

Tuesday, January 29, 2002

9:30 a.m.
Briefing on Status of Nuclear Reactor Safety (Public Meeting) (Contact: Mike Case, 301–415–1134)
This meeting will be webcast live at the Web address—*www.nrc.gov*

Wednesday, January 30, 2002

9:25 a.m.
Affirmation Session (Public Meeting) (If needed)
9:30 a.m.
Briefing on Status of Office of the Chief Information Officer (OCIO) Programs, Performance, and Plans (Public Meeting) (Contact: Jackie Siber, 301–415–7330)
This meeting will be webcast live at the Web address—*www.nrc.gov*
2:00 p.m.
Discussion of Intragovernmental Issues (Closed—Ext. 1 & 9)

Week of February 4, 2002—Tentative

Wednesday, February 6, 2002

9:25 a.m.
Affirmation Session (Public Meeting) (If needed)
9:30 a.m.
Briefing on Equal Employment Opportunity (EEO) Program (Public Meeting) (Contact: Irene Little, 301–415–7380)

Week of February 11, 2002—Tentative

There are no meetings scheduled for the Week of February 11, 2002.

Week of February 18, 2002—Tentative

Tuesday, February 19, 2002

1:55 p.m.
Affirmation Session (Public Meeting) (If needed)
2:00 p.m.
Meeting with the Advisory Committee on the Medical Uses of Isotopes (ACMUI) (Public Meeting) (Contact: Angela Williamson, 301–415–5030)
This meeting will be webcast live at the Web address—*www.nrc.gov*

Week of February 25, 2002—Tentative

Friday, March 1, 2002

9:30 a.m.
Briefing on Status of Office of the Chief Financial Officer (OCFO) Programs, Performance, and Plans (Public Meeting) (Contact: Lars Solander, 301–415–6080)
This meeting will be webcast live at the Web address—*www.nrc.gov*

Week of March 4, 2002—Tentative

Monday, March 4, 2002

2:00 p.m.
Briefing on Status of Nuclear Waste Safety (Public Meeting) (Contact: Claudia Seelig, 301–415–7243)
This meeting will be webcast live at the Web address—*www.nrc.gov*

*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: David Louis Gamberoni (301) 415–1651.

The NRC Commission Meeting Schedule can be found on the Internet at: *www.nrc.gov*

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC. 20555 (301–415–1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to dkw@nrc.gov.

Dated: January 24, 2002.

David Louis Gamberoni,

Technical Coordinator, Office of the Secretary.

[FR Doc. 02–2203 Filed 1–25–02; 10:54 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549

Extension:
Rule 15c2–11, SEC File No. 270–196, OMB Control No. 3235–0202

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

The Commission adopted Rule 15c2–11 [1] (Rule 15c2–11 or Rule) in 1971 under the Securities Exchange Act of 1934 [2] (Exchange Act) to regulate the initiation or resumption of quotations in a quotation medium by a broker-dealer for over-the-counter (OTC) securities. The Rule was designed primarily to prevent certain manipulative and fraudulent trading schemes that had arisen in connection with the distribution and trading of unregistered securities issued by shell companies or other companies having outstanding but infrequently traded securities. Subject to certain exceptions, the Rule prohibits brokers-dealers from publishing a quotation for a security, or submitting a quotation for publication, in a quotation medium unless they have reviewed specified information concerning the security and the issuer.

[1] 17 CFR 240.15c2–11.

[2] 15 U.S.C. 78a *et seq.*

In February 1998, the Commission proposed amendments to strengthen the Rule's focus on abuses associated with microcap securities.[3] In response to comments on the proposal, the Commission reproposed amendments to Rule 15c2–11 to tailor its provisions to cover those kinds of quotations and securities that we believe are more likely to be the subject of microcap abuses.[4]

Under these reproposed amendments, the Rule will no longer apply to securities of larger issuers or those securities that have a substantial trading price or value of average daily trading volume. In addition, the Rule will only cover priced quotations, except in the case of the first quotation for a covered OTC security. The Commission has also proposed several revisions that require broker-dealers to obtain more information about non-reporting issuers, ease the Rule's recordkeeping requirements when broker-dealers can electronically access information about reporting issuers, and promote greater access to issuer information by customers and other broker-dealers. Because these proposed refinements will significantly revise the Rule's scope, we are publishing them to give interested persons an opportunity to provide us with their comments and views.

The information required to be reviewed is submitted by the respondents to the National Association of Securities Dealers Regulation (''NASDR'') on Form 211 for review and approval.

Based on information provided by the NASDR and the Pink Sheets LLC, it is estimated that as of January 4, 2002, there were approximately 1,876 covered OTC securities quoted exclusively in the OTC Bulletin Board, 3,942 quoted exclusively in the Pink Sheets, and 1,889 dually quoted on both for a total of 7,707 covered OTC securities.[5] However, we believe that approximately 10% (771) of these securities would not be subject to the Rule, based on the exceptions that are included in this reproposing Release and therefore approximately 6,936 securities would be subject to the Rule.[6]

According to NASDR estimates, we also believe that approximately 1,271 new applications from broker-dealers to initiate or resume publication of covered OTC securities in the OTC Bulletin Board and/or the Pink Sheets or other quotation mediums were approved by the NASDR for the 2001 calendar year. We estimate that 75% of the covered OTC securities were issued by reporting issuers, while the other 25% were issued by non-reporting issuers. We also estimate that broker-dealers publish priced quotations for approximately 90% of the covered OTC securities quoted in the OTC Bulletin Board and publish priced quotes for about 43% of the covered OTC securities quoted in the Pink Sheets. According to NASDR and Pink Sheets estimates, we believe that, on average, there are approximately 4.3 broker-dealers publishing priced quotations for each covered OTC security, and that at any given time there are approximately 400 broker-dealers that submit priced quotations for covered OTC securities. Finally, the Reproposed Rule's transition provision would not subject the broker-dealers quoting the securities of the estimated 6,936 potentially covered securities currently quoted to the Rule until the annual review requirement is triggered. Therefore, only those new applications that are submitted after the reproposals become effective would be subject to the initial review requirement.

Because the reproposed amendments would require the first broker-dealer publishing a quotation (priced or unpriced) for a particular security to collect issuer information, we believe that during the first year after the reproposed amendments are effective, broker-dealers that are publishing the first quotations (whether priced or unpriced) for covered OTC securities in the aggregate would have to conduct approximately 1,143 initial reviews of issuer information. This estimate is based on the assumption that the NASDR will, in the first year after the reproposals become effective, approve approximately 10% fewer Form 211 filings than the 1,271 approved in 2001. We believe that it will take a broker-dealer about 4 hours to collect, review, record, retain, and supply to the NASDR the information pertaining to a reporting issuer, and about 8 hours to collect, review, record, retain, and supply to the NASDR the information pertaining to a non-reporting issuer.

We therefore estimate that broker-dealers who are the first to publish the first quote for a covered OTC security of a reporting issuer will require 3,813 hours ($1,271 \times 75\% \times 4$) to collect, review, record, retain, and supply to the NASDR the information required by the Rule as reproposed. We estimate that after the reproposals have become effective the broker-dealers who are the first to publish the first quote for a covered OTC security of a non-reporting issuer (priced or unpriced) will require 2,542 hours ($1,271 \times 25\% \times 8$) to collect, review, record, retain, and supply to the NASDR the information required by the Rule. We therefore estimate the total annual burden hours for the first broker-dealers to be 6,355 hours (3,813 + 2,542).

The Rule also would require an annual review for broker-dealers publishing priced quotations for covered OTC securities. We have estimated that each issuer is quoted by about 4.3 broker-dealers. We are assuming that of approximately 6,936 potentially affected covered OTC securities, broker-dealers would publish priced quotations for approximately 90% of the OTC Bulletin Board securities or 3,049 securities ($(3,765 \times 90\%) \times 90\%$) and for 43% of the Pink Sheet securities or 1525 securities ($(3,942 \times 90\%) \times 43\%$).[7] Therefore, we estimate that priced quotations will be published for approximately 4,574 (3,049 + 1,525) covered OTC securities. Given that about 75% of OTC stocks are issued by reporting issuers and the other 25% by non-reporting issuers, and that it would take a broker-dealer 4 and 8 hours, respectively, to meet the requirements of the reproposed Rule for these issuers, we estimate the burden hours as follows: for reporting issuers we estimate approximately 58,996 hours ($3,430 \times 4.3 \times 4$), and for non-reporting issuers we estimate approximately 39,319 hours ($1,143 \times 4.3 \times 8$). Therefore, we estimate the total annual paperwork burden hours for all broker-dealers to be 104,670 hours (6,355 + 58,996 + 39,319).

Regarding the burden on issuers to provide broker-dealers with the required information, we believe that the 2,202 issuers of covered OTC securities (based on our estimate that 75% of the 6,936 potentially covered OTC securities are reporting issuers) will not bear any additional hourly burdens under the reproposed amendments because these issuers already report the required information to the Commission through mandated periodic filings. Further, reporting issuer information is widely available to broker-dealers through a variety of media. However, non-

[3] Securities Exchange Act Release No. 39670 (February 17, 1998) (Proposing Release).

[4] Securities Exchange Act Release No. 41110 (March 2, 1999) (Re-proposing Release).

[5] Although there may be covered OTC securities quoted in other quotation mediums, the empirical data to include them in these estimations is not readily available.

[6] Because the reproposal excludes debt securities, there is no need to include the debt securities quoted in the Yellow Sheets in these burden estimates.

[7] Some securities have priced quotations published in both of these quotation systems. To avoid double counting, such securities are counted as OTC Bulletin Board securities.

reporting issuer information is not widely available. Consequently, these issuers must provide the information required by the reproposed amendments to requesting broker-dealers before quotations in their securities can be published. We believe that the 1,734 issuers of non-reporting covered OTC securities (based on an estimate that 25% of the 6,936 potentially covered OTC securities are non-reporting) will spend an average of 9 hours each to collect, prepare, and supply the information required by the proposal to the first broker-dealer that requests this information. Thereafter, we estimate that it will take an average of 1 hour for an issuer to provide the same information to the remaining 3.3 broker-dealers that request the information. Accordingly, we estimate that 1,734 non-reporting issuers annually will incur 15,606 hours ($1,734 \times 9 \times 1$) to comply with the first broker-dealer's request for information, and 5,722 hours ($1,734 \times 1 \times 3.3$) to comply with the subsequent 3.3 broker-dealer requests for an annual total of 21,328 burden hours (15,606 + 5,722). On average, therefore, each non-reporting issuer would spend approximately 12.3 burden hours (21,328/1,734) per year to comply with these requests.

We estimate the collection of information will require approximately 125,998 burden hours annually (104,670 + 21,328) from approximately 2,134 respondents (400 broker-dealers and 1,734 issuers).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

Dated: January 18, 2002.

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 02–2118 Filed 1–28–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–25373; File No. 812–12698]

American Skandia Life Assurance Corporation, *et al.*

January 22, 2002.

AGENCY: Securities and Exchange Commission (''SEC'' or ''Commission'').

ACTION: Notice of Application for an Order under section 6(c) of the Investment Company Act of 1940 (the ''1940 Act'' or ''Act'') granting exemptions from the provisions of section 2(a)(32) and section 27(i)(2)(A) of the 1940 Act, and Rule 22c–1 thereunder to permit the recapture of credits applied to contributions made under certain deferred variable annuity contracts.

APPLICANTS: American Skandia Life Assurance Corporation (''ASLAC''), American Skandia Life Assurance Corporation Variable Account B (Class 1 Sub-Accounts), American Skandia Life Assurance Corporation Variable Account B (Class 9 Sub-Accounts) (the ''Account'' or ''Accounts''), and American Skandia Marketing, Incorporated (''ASM''), referred to collectively herein as ''Applicants.''

SUMMARY OF APPLICATION: Applicants seek an order under section 6(c) of the Act to the extent necessary to permit, under specified circumstances, the recapture of credits applied to contributions made under certain deferred variable annuity contracts and certificates described in the Application (the ''Contracts''), as well as other contracts that ASLAC may issue in the future through the Accounts or any other separate account established in the future by ASLAC to support certain deferred variable annuity contracts issued by ASLAC (''Future Account(s)'') and that are substantially similar in all material respects to the Contracts (the ''Future Contract(s)''). Applicants request that the order being sought extend to any other National Association of Securities Dealers, Inc. (''NASD'') member broker-dealer controlling or controlled by, or under common control with ASLAC, whether existing or created in the future, that serves as a distributor or principal underwriter for the Contracts or Future Contracts offered through the Accounts or any Future Account.

FILING DATES: The application was filed on November 23, 2001, and amended and restated on January 9, 2002, and January 17, 2002.

HEARING OR NOTIFICATION OF HEARING: An order granting the Application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on February 19, 2002, and should be accompanied by proof of service on Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street NW Washington, DC, 20549–0609. Applicants, c/o American Skandia Life Assurance Corporation, One Corporate Drive, Shelton, Connecticut 06484, Attn: Scott K. Richardson, Esq.

FOR FURTHER INFORMATION CONTACT: Patrick Scott, Attorney, or Lorna MacLeod, Branch Chief, Office of Insurance Products, Division of Investment Management, at (202) 942–0670.

SUPPLEMENTARY INFORMATION: The following is a summary of the Application. The complete Application is available for a fee from the SEC's Public Reference Branch, 450 Fifth Street, NW, Washington, DC 20549–0102 ((202) 942–8090).

Applicants' Representations

1. ASLAC is a stock life insurance company incorporated under the laws of Connecticut, all of whose issued and outstanding shares of capital stock are directly owned by American Skandia, Inc. (''ASI''), which in turn is ultimately wholly owned by Skandia Insurance Company Ltd., a Swedish corporation. ASLAC is licensed to do business in the District of Columbia and all of the United States.

2. American Skandia Life Assurance Corporation Variable Account B was created pursuant to the laws of the State of Connecticut on November 25, 1987. American Skandia Life Assurance Corporation Variable Account B (Class 1 Sub-Accounts) filed a Form N–8A Notification of Registration (File No. 811–5438) under the 1940 Act on December 30, 1987. American Skandia Life Assurance Corporation Variable

Account B (Class 9 Sub-Accounts) filed a Form N–8A Notification of Registration (File No. 811–09989) on June 22, 2000. Applicants state that the assets of the Accounts are owned by ASLAC, but are held separately from the other assets of ASLAC and are not chargeable with liabilities incurred in any other business operation of ASLAC (except to the extent that assets in the Accounts exceed the reserves and other liabilities of the Accounts). The income, capital gains and capital losses incurred on the assets of the Accounts are credited to or charged against the assets of the Accounts without regard to the income, capital gains or capital losses arising out of any other business ASLAC may conduct.

Applicants represent that the Accounts and all Future Accounts will invest in shares of one or more of the investment portfolios (the ''Portfolios'') of American Skandia Trust (''AST''), which is registered with the Commission as an open-end, diversified management investment company, and/or any other fund or funds which are registered with the Commission as open-end, diversified or non-diversified management investment companies as may be made available by ASLAC and the Accounts or Future Accounts (which funds, including AST, are referred to as the ''Funds''). The Accounts or Future Accounts are divided into separate divisions or ''Sub-accounts,'' each of which invests in a separate Portfolio of a Fund.

3. ASM serves as the distributor and principal underwriter of the Contracts. ASM is a wholly-owned subsidiary of ASI. ASM is registered under the Securities Exchange Act of 1934 and with the NASD as a broker-dealer in securities. The Contracts will be offered through unaffiliated, registered broker-dealers, and other entities that are exempt from registration as broker-dealers and that have entered into sales agreements with ASM and ASLAC. In addition, ASM may offer Contracts directly to potential purchasers. The broker-dealers or sales representatives will be licensed by state insurance departments where required by law or regulation to represent ASLAC. The registered representatives that will solicit sale of the Contracts will be licensed insurance agents appointed by ASLAC.

4. Applicant represents that, among the products ASLAC issues are individual and group flexible premium tax deferred variable annuity contracts, such as the Contracts contemplated in the Application, American Skandia XTra Credit℠ FOUR (''XT FOUR'') offered through American Skandia Life Assurance Corporation Variable Account B (Class 1 Sub-Accounts) and American Skandia XTra Credit℠ SIX (''XT SIX'') offered through American Skandia Life Assurance Corporation Variable Account B (Class 9 Sub-Accounts).

Applicants state further that the Contracts are to be used in connection with retirement plans that qualify for favorable federal income tax treatment under the Internal Revenue Code Section 403 as a tax sheltered annuity, or Section 408 as an individual retirement plan (''Qualified Plan''), or the Contracts may be purchased on a non-tax qualified basis (''Non-Qualified Plan''). The Contracts may also be used for other purposes in the future, or offered only in connection with Qualified or Non-Qualified Plans.

5. Applicants state that ASLAC will add an additional amount, a credit (''Credit(s)''), to the account value in conjunction with each purchase payment applied to XT FOUR, and in conjunction with purchase payments made during the first six (6) annuity years applied to XT SIX. Credits are paid for from ASLAC's own general account assets.

6. Applicants state, in the case of XT FOUR, when total purchase payments are between and $1000 and $10,000, the Credits equal 1.5% of purchase payments. When total purchase payments are at least $10,000 but less than $5,000,000, the Credits equal 4.0% of purchase payments. When total purchase payments are greater than $5,000,000, the Credits equal 5.0% of purchase payments.

7. Applicants state, in the case of XT SIX, ASLAC will add a Credit to the account value in conjunction with each purchase payment during the first six (6) annuity years. The amount of the Credit depends on the annuity year in which the purchase payment(s) is made, according to the following schedule: in annuity year one (1) the Credit is 6.00%, in annuity year two (2) the Credit is 5.00%, in annuity year three (3) the Credit is 4.00%, in annuity year four (4) the Credit is 3.00%, in annuity year five (5) the Credit is 2.00%, and in annuity year six (6) the Credit is 1.00%.

8. Applicants state that, where allowed by state law, under some circumstances, ASLAC will apply additional Credits on Contracts owned by a member of a designated class (''Designated Class'') as defined in the Application. Generally, members of the Designated Class include various persons with special employment, familial, and/or agency relationships with ASLAC and/or its affiliates or subsidiaries, as defined in the Application.

In the case of XT FOUR, ASLAC will apply Credits of 8.5% to any purchase payment made by a member of a Designated Class. Likewise, in the case of XT SIX, ASLAC will apply Credits on purchase payments made by a member of a Designated Class at the following percentage rates in annuity years 1, 2, 3, 4, 5, and 6, respectively: 9.5%, 9%, 8.5%, 8%, 7%, and 6%. During annuity years 7, 8, 9 and 10, respectively, in the case of XT SIX, ASLAC will apply Credits on purchase payment made by a member of a Designated Class at the following percentage rates: 5%, 4%, 3% and 2%. Whereas, under XT SIX generally, subsequent to annuity year Six, ASLAC would not apply Credits to any purchase payments.

9. Applicants represent that Credits applied on all Contracts are vested when applied, except under the following circumstances: (a) An amount equal to any Credit will be recovered by ASLAC if the Contract owner exercises the right to cancel provision in accordance with applicable state law; (b) the amount available under the medically-related surrender provision of the Contract will not include the amount of any Credits applied to purchase payments made within 12 months prior to the date the annuitant first became eligible for the medically-related surrender; and (c) any Credits applied to the account value on purchase payments made within 12 months prior to the date of death will be recovered by ASLAC upon payment of the death benefit, subject to the limitation that Applicants will not exercise their right to recover the Credit to the extent that the death benefit payable is equal to purchase payments minus proportional withdrawals or when the death benefit is equal to the account value but after the recovery of all or a portion of the Credits, the death benefit would be equal to less than purchase payments minus proportional withdrawals.

10. Applicants state that, as of the date of the Application, the Funds in which the Sub-accounts may invest are AST, Montgomery Variable Series, Wells Fargo Variable Trust, INVESCO Variable Investment Funds, Inc., Evergreen Variable Annuity Trust, ProFunds VP, First Defined Portfolio Fund LLC and The Prudential Series Fund, Inc. The assets of each Portfolio are held separately from the others and each Portfolio has its own investment objective and policies. The investment performance of one Portfolio has no affect on the investment performance of any other Portfolio. The investment

objectives and policies of each Portfolio are described in the registration statements for the Funds. Each Fund may establish additional Portfolios, or cease offering any Portfolios, existing or as may be established in the future. In addition, the Account may add Sub-accounts, and may add or cease to offer Sub-accounts, which in turn are dedicated to owning shares of a particular Portfolio of a particular Fund.

11. Applicants state that prior to the annuity date, a Contract owner may surrender the Contract in its entirety for the surrender value or withdraw a portion of the surrender value. Applicants do not seek to recover Credits applied to purchase payments upon surrender or withdrawal of a Contract, other than as described in this paragraph, in the case of a medically-related surrender. Where permitted by law, a Contract owner may request to surrender a Contract prior to the annuity date without application of any contingent deferred sales charge (''CDSC'') upon occurrence of a ''Contingency Event,'' as defined in XT FOUR or XT SIX. If a Contingency Event occurs, the amount available for surrender is the account value less an amount equal to any Credit applied to purchase payments within twelve months prior to the Contingency Event less the amount of any Credits added in conjunction with any purchase payments received after ASLAC's receipt of the Contract owner's request for a medically-related surrender. Applicants do not assess a CDSC on a medically-related surrender that would otherwise apply to a full or partial surrender of the Contract.

12. Applicants represent that during the accumulation phase, a death benefit is payable upon the death of the first Contract owner to die (if the Contract is owned by one or more natural persons) or upon the death of the annuitant (if the Contract is owned by an entity and there is no contingent annuitant). The amount of the death benefit is determined when ASLAC obtains satisfactory proof in writing of the applicable death, all representations required or which are mandated by applicable law or regulation to the death claim and the payment of death proceeds, and any applicable election of the mode of payment of the death benefit if not previously elected by the Contract owner.

The basic Death Benefit is the greater of (1) the sum of all purchase payments less the sum of all proportional withdrawals, or (2) the sum of the account value in the variable investment options and the interim value in the fixed allocations (without application of any market value adjustment), less an amount equal to all Credits applied within 12 months prior to the date of death. ASLAC does not recover the amount equal to the Credit applied to purchase payments when the death benefit payable under the Contract is equal to purchase payments minus proportional withdrawals or when the death benefit is equal to the account value but after the recovery of all or a portion of the Credits, the death benefit would be equal to less than purchase payments minus withdrawals.

13. Applicants state that each of the Contracts may offer optional benefits, including optional death benefits, for which the Contract owner may be charged an additional asset-based charge.

14. Applicants represent that prior to the annuity date and upon surrender, ASLAC will deduct an annual maintenance fee equaling the smaller of 2% of account value or $35 per annuity year from the Sub-account holdings attributable to any particular Contract in the same proportion as each such Sub-account holding bears to the account value of such Contract. No charges are assessed if no account value is maintained in the Sub-accounts. The annual maintenance fee can be increased only for Contracts issued subsequent to the effective date of any such change. The annual maintenance fee may be waived under certain circumstances as described in the then effective registration statements for the Contracts.

15. An insurance charge (''Insurance Charge'') is deducted daily against the average assets allocated to the Account. The Insurance Charge for XT FOUR is the combination of the Mortality & Expense Risk Charge (1.25%) and the Administration Charge (0.15%); the total charge is equal to 1.40% on an annual basis. The Insurance Charge for the XT SIX is the combination of the Mortality & Expense Risk Charge (0.50%) and the Administration Charge (0.15%); the total charge is equal to 0.65% on an annual basis. The Insurance Charge is intended to compensate ASLAC for providing the insurance benefits under the Contract, including the Contract's basic death benefit that provides guaranteed benefits to the Contract owner's beneficiaries even if the market declines; furthermore, the charge is intended to compensate ASLAC for the risk that persons to whom ASLAC guarantees annuity payments will live longer than ASLAC's assumptions. The charge also covers administrative costs associated with providing the Contract benefits, including preparation of the contract, confirmation statements, annual account statements and annual reports, legal and accounting fees as well as various related expenses. Finally, the charge covers the risk that ASLAC's assumptions about the mortality risks and expenses under the Contract are incorrect and that ASLAC has agreed not to increase these charges over time despite actual costs. ASLAC may increase the portion of the total Insurance Charge that is deducted as an Administration Charge, if permission is received from the appropriate regulatory authorities. However, any increase will only apply to Contracts issued after the date of the increase.

16. Applicants state that a distribution charge (''Distribution Charge'') is deducted daily against the average assets allocated to the Sub-accounts under XT SIX. The Distribution Charge is equal to 1.00% on an annual basis in annuity years 1 through 10. After the end of the first ten annuity years, the 1.00% charge for distribution will no longer be assessed. The Distribution Charge is intended to compensate ASLAC for a portion of its sales expenses under the Contract, including promotion and distribution of the Contract. At the end of the 10th annuity year, ASLAC will process a transaction to convert the Contract owner's account value to units of the Sub-accounts that reflect only the Insurance Charge. Because units that only reflect the Insurance Charge are less expensive, the number of units attributed to a Contract is decreased and the unit value of each unit of the Sub-accounts in which the Contract owner was invested is increased. The Contract owner's account value is unchanged by the conversion of the account value to the number of units, and unit values will not affect the Owner's account value. Beginning on that date, the Contract owner's account value will fluctuate based on the change in the value of the units that only reflect the Insurance Charge.

17. Applicants represent that no deduction or charge will be made from purchase payments for sales or distribution expenses. However, a CDSC may be assessed on surrender or partial withdrawal from the Contract. The CDSC will be used to compensate ASLAC for sales commissions and other promotional or distribution expenses incurred by ASLAC which are associated with the marketing of the Contracts. ASLAC does not anticipate that the CDSC will be sufficient to permit it to recoup all its sales and distribution expenses.

18. Applicants state that XT FOUR offers a free withdrawal privilege. This privilege permits a Contract owner to

withdraw account value without any CDSC being imposed at the time of withdrawal. The maximum amount available as a free withdrawal during annuity year one through eight is 10% of all purchase payments. The 10% free withdrawal is not cumulative. After annuity year eight, the maximum free withdrawal amount is the sum of (a) 10% of any purchase payments applied to the Contract after the initial purchase payment, (b) 100% of the initial purchase payment and (c) 100% of any growth in the Contract, which equals the current account value minus all purchase payments that have not been previously withdrawn. The Credit amount, which is is applied to the purchase payments when applicable, is not considered growth and is not available as a free withdrawal. Amounts withdrawn under the free withdrawal provision do not reduce the CDSC that may apply to a subsequent surrender. The XT SIX offers a free withdrawal privilege as well. This privilege permits a Contract owner to withdraw account value without any CDSC being imposed at the time of withdrawal. The maximum amount available as a free withdrawal during annuity year one through ten is 10% of all purchase payments. The 10% free withdrawal is not cumulative. After annuity year ten, the maximum free withdrawal amount is 100% of the account value, including any Credits.

Applicants represent that on full or partial surrenders under XT FOUR, the CDSC on any purchase payments surrendered in excess of the free withdrawal privilege is based on a schedule of 8.5% in year one to 0.0% in year nine and beyond. The amount of the CDSC applicable to each purchase payment decreases over time, measured from the date each purchase payment is applied.

Applicants further represent that on full or partial surrenders under the XT SIX, the CDSC on any purchase payments surrendered in excess of the free withdrawal privilege is based on a schedule of 9.0% in year one to 0.0% in year eleven and beyond. The CDSC is measured from the issue date, not from the date that each purchase payment is applied.

Applicants state that for purposes of calculating the CDSC, withdrawals will be considered to come first from any amount available as a free withdrawal, then, to the extent the amount withdrawn exceeds the free withdrawal, from purchase payments that have not previously been withdrawn subject to a CDSC. If there are multiple new purchase payments, the one received earliest is liquidated first, then the one received next, so that the lowest CDSC percentage will apply to the amount withdrawn.

Applicant's Legal Analysis

1. Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities or transactions from the provisions of the Act and the rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

2. Applicants request that the Commission, pursuant to section 6(c) of the Act, grant the exemptions requested below with respect to the Contracts, and any Future Contracts funded by the Accounts or Future Accounts, that are issued by ASLAC and underwritten or distributed by ASM. Applicants undertake that Future Contracts funded by the Account or any Future Account will be substantially similar in all material respects to the Contracts. Applicants believe that the requested exemptions are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

3. Applicants represent that it is not administratively feasible to track the actual Credit amount in one or the other of the Accounts after the Credit is applied to purchase payments in the Contract. Accordingly, the asset-based charges applicable to the Accounts will be assessed against the entire account value held in the respective Accounts, including the Credit amount, during the right to cancel period, for a medically-related surrender and when purchase payments are made within 12 months prior to the date of death. As a result, the aggregate asset-based charges assessed against a Contract owner's account value will be higher than that which would be charged if the Contract owner's account value did not include the Credit. ASLAC has agreed to provide such disclosure in the prospectus.

4. Subsection (i) of Section 27 provides that Section 27 does not apply to any registered separate account funding variable insurance contracts, or to the sponsoring insurance company and principal underwriter of such account, except as provided in paragraph (2) of the subsection. Paragraph (2) of the subsection provides that it shall be unlawful for such a separate account or sponsoring insurance company to sell a contract funded by the registered separate account unless ''(A) such contract is a redeemable security.'' Section 2(a)(32) defines ''redeemable security'' as any security, other than short-term paper, under the terms of which the holder, upon presentation to the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof.

5. Applicants submit that the Credit recapture provisions would not deprive a Contract owner of his or her proportionate share of the issuer's current net assets. A Contract owner's interest in the amount of the Credit allocated to his or her annuity account value is not vested until the applicable right to cancel period has expired without return of the Contract. Similarly, a Contract owner's interest in the amount of the Credit allocated to his or her annuity account value will vest, except for Credits allocated to purchase payments received by ASLAC within the first 12 months of the date the Annuitant first became eligible for the medically-related surrender. And lastly, a Contract owner's interest in the amount of the Credit allocated to his or her annuity account value will vest, except for Credits applied to the account value on purchase payments made within 12 months prior to the date of death.

6. Applicants state that the recapture of any Credit is intended only to protect ASLAC against anti-selection under certain specified contingencies. ''Anti-selection'' can generally be described as a risk that persons obtain coverage based on knowledge that the contingency that triggers payment of an insurance benefit is likely to occur, or is to occur shortly. In the case of the Contracts, the Credits are provided on a guaranteed issue basis. The protection against anti-selection by persons who are ill is the reduction of the death benefit or the amount available as a medically-related surrender by the amount of a Credit applied to purchase payments made within 12 months prior to the applicable Contingency Event, as defined in XT FOUR or XT SIX. With respect to Credits allocated prior to the end of the Contract's right to cancel provision, the amount payable when such provision is exercised must be reduced by an amount equal to the Credits allocated. Otherwise, purchasers would apply for annuities for the sole purpose of making a quick profit and then exercise the right to cancel provision.

7. Applicants represent that, until or unless the amount of any Credit is vested, ASLAC retains the right to, and interest in, the Credit amount, although

not in the earnings attributable to that amount. Thus, when ASLAC recaptures any Credit, it is simply retrieving its own assets, and because a Contract owner's interest in the Credit is not vested, the Contract owner has not been deprived of a proportionate share of the applicable Account's assets, *i.e.,* a share of the applicable Account's assets proportionate to the Contract owner's account value (including the Credit).

8. For the foregoing reasons, Applicants state, the provisions for recapture of any Credit under the Contracts do not, and any such Future Contract provisions will not, violate section 2(a)(32) and section 27(i)(2)(A) of the Act. Indeed, a contrary conclusion would be inconsistent with a stated purpose of the National Securities Market Improvement Act (''NSMIA''), which is ''to amend the [Act] to * * * provide more effective and less burdensome regulation.'' Section 26(e) (now renumbered as section 26(f)) and section 27(i) were added to the Act pursuant to section 205 of NSMIA to implement the purposes of NSMIA and the Congressional intent. Thus, the application of a Credit to contributions made under the Contracts should not raise any questions as to ASLAC's compliance with the provisions of section 27(i). Nevertheless, to avoid any uncertainties, Applicants request an exemption from Sections 2(a)(32) and 27(i)(2)(A), to the extent deemed necessary, to permit the recapture of any Credit under the circumstances described herein with respect to Contracts and any Future Contracts, without the loss of the relief from section 27 provided by section 27(i).

9. Section 22(c) of the Act authorizes the Commission to make rules and regulations applicable to registered investment companies and to principal underwriters of, and dealers in, the redeemable securities of any registered investment company to accomplish the same purposes as contemplated by section 22(a). Rule 22c–1 thereunder prohibits a registered investment company issuing any redeemable security, a person designated in such issuer's prospectus as authorized to consummate transactions in any such security, and a principal underwriter of, or dealer in such security, from selling, redeeming, or repurchasing any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

10. ASLAC's recapture of the Credit arguably might be viewed as resulting in the redemption of redeemable securities for a price other than one based on the current net asset value of the Sub-accounts. The recapture of the Credit is not violative of Rule 22c–1. The recapture of the Credit does not involve either of the evils that Rule 22c–1 was intended to eliminate or reduce as far as reasonably practicable, namely: (a) The dilution of the value of outstanding redeemable securities of registered investment companies through their sale at a price below net asset value or their redemption or repurchase at a price above it, and (b) other unfair results, including speculative trading practices. These evils were the result of backward pricing, the practice of basing the price of a mutual fund share on the net asset value per share determined as of the close of the market on the previous day. Backward pricing allowed investors to take advantage of increases or decreases in net asset value that were not yet reflected in the price, thereby diluting the values of outstanding mutual fund shares.

11. Applicants state that the proposed recapture of the Credit poses no such threat of dilution. To effect a recapture of a Credit, ASLAC will redeem interests in a Contract owner's account at a price determined on the basis of the current net asset value of the respective Sub-Accounts. The amount recaptured will equal the amount of the Credit that ASLAC paid out of its own general account assets. Although Contract owners will be entitled to retain any investment gain attributable to the Credit, the amount of such gain will be determined on the basis of the current net asset value of the respective Sub-accounts. Thus, no dilution will occur upon the recapture of the Credit. Applicants also submit that the second harm that Rule 22c–1 was designed to address, namely, speculative trading practices calculated to take advantage of backward pricing, will not occur as a result of the recapture of the Credit.

Applicants believe that because neither of the harms that Rule 22c–1 was meant to address is found in the recapture of the Credit, Rule 22c–1 should have no application to any Credit. However, to avoid any uncertainty as to full compliance with the Act, Applicants request an exemption from the provisions of Rule 22c–1 to the extent deemed necessary to permit them to recapture the Credit under the Contracts and Future Contacts.

Conclusion

Applicants submit, based on the grounds summarized above, that their exemptive request meets the standards set out in section 6(c) of the Act, namely, that the exemptions requested are necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, and that, therefore, the Commission should grant the requested order.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 02–2069 Filed 1–28–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Federal Register Citation of Previous Announcement: [To be published on Friday, January 25, 2002]

Status: Closed Meeting.

Place: 450 Fifth Street, NW., Washington, DC.

Date and Time of Previously Announced Meeting: Tuesday, January 29, 2002 at 10 a.m.

Change in the Meeting: Cancellation of Meeting/Additional Meetings.

The closed meeting scheduled for Tuesday, January 29, 2002, has been cancelled, and rescheduled for Wednesday, February 6, 2002, at 10 a.m. An additional closed meeting will be held on Thursday, February 7, 2002, at 10 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meetings. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), (9)(B), and (10) and 17 CFR 200.402(a)(3) (5), (7), 9(ii) and (10), permit consideration of the scheduled matters at the closed meetings.

The subject matters of the closed meetings scheduled for Wednesday, February 6, 2002, and Thursday, February 7, 2002, will be: Institution and settlement of injunctive actions; institution and settlement of administrative proceedings of an enforcement nature; formal orders of investigation; and adjudicatory matters.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if

any, matters have been added, deleted or postponed, please contact: The Office of the Secretary at (202) 942–7070.

Dated: January 24, 2002.

Jonathan G. Katz,

Secretary.

[FR Doc. 02–2208 Filed 1–25–02; 11:21 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45325; File No. SR–CHX–99–18]

Self-Regulatory Organizations; The Chicago Stock Exchange, Inc.; Order Granting Approval to Proposed Rule Change Relating to the Display of Limit Orders on the Exchange

January 23, 2002.

On September 24, 1999, The Chicago Stock Exchange, Inc. (''CHX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to conform its limit order display requirements under CHX Article XX, Rule 7, to Rule 11Ac1–4 under the Act.[3] The proposed rule change was published for comment in the **Federal Register** on December 11, 2001.[4] The Commission received no comments on the proposal.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange[5] and, in particular, the requirements of section 6 of the Act[6] and the rules and regulations thereunder. The Commission finds specifically that the proposed rule change is consistent with section 6(b)(5) of the Act[7] because it will allow the CHX to treat limit orders in a manner consistent with the requirements of Rule 11Ac1–4.[8]

It is therefore ordered, pursuant to section 19(b)(2) of the Act[9], that the proposed rule change (SR–CHX–99–18) be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–2117 Filed 1–28–02; 8:45 am]

BILLING CODE 8010–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.11Ac1–4.

[4] See Securities Exchange Act Release No. 45122 (December 4, 2001), 66 FR 64066.

[5] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[6] 15 U.S.C. 78f.

[7] 15 U.S.C. 78f(b)(5).

[8] 17 CFR 240.11Ac1–4.

[9] 15 U.S.C. 78s(b)(2).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45317; File No. SR–DTC–2001–15]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Revising The Depository Trust Company's Fee Schedule

January 18, 2002.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on August 31, 2001, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by DTC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change revises DTC's fee schedule.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change imposes a fee for each automated request transmitted to DTC for images of deposited securities using the BDSI (for deposits made through the Branch Deposit Service) and DAMP (for deposits made through the Deposit Automated Management Program) functions.

The proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to DTC because fees will more equitably be allocated among users of DTC.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments from DTC participants or others have not been solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change establishes fees to be imposed by DTC, it has become effective pursuant to section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2).[4] At any time within sixty days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549–0609. Copies of the submission, all subsequent

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified parts of these statements.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b-4(f)(2).

amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of DTC. All submissions should refer to the File No. SR–DTC–2001–15 and should be submitted by February 19, 2002.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[5]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 02–2067 Filed 1–28–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45318; File No. SR–DTC–2001–20]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Revising the Fee Schedule of The Depository Trust Company

January 18, 2002.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on December 17, 2001, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by DTC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of revisions to the fee schedule of DTC for 2002.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to adjust the fees DTC charges for various services so that they may be aligned with their respective estimated service costs for 2002, effective with respect to services provided on and after January 2, 2002. A copy of DTC's revised fee schedule is attached to DTC's proposed rule change.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to DTC because fees will more equitably be allocated among users of DTC services.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC perceives no impact on competition by reason of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments from DTC participants or others have not been solicited or received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change establishes or changes fees to be imposed by DTC, it has become effective pursuant to section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2).[4] At any time within sixty days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

VI. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW, Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of DTC. All submissions should refer to the File No. SR–DTC–2001–20 and should be submitted by February 19, 2002.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[5]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 02–2068 Filed 1–28–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45316; File No. SR–DTC–2001–05]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing of Proposed Rule Change Relating to Adopting Unitary Action Procedures

January 18, 2002.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on April 12, 2001, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule

[5] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified parts of these statements.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

change (File No. SR–DTC–2001–05) as described in Items I, II, III below, which items have been prepared primarily by DTC. The Commission is publishing this notice to solicit comments from interested persons.

I. Self Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

DTC proposes to adopt procedures to enable its nominee, Cede & Co., to exercise certain rights as the recordholder of securities on deposit at DTC where Cede & Co. is only permitted to act with respect to 100% of the securities on deposit or not act at all. This is known as a ''Unitary Action'' situation.[2]

II. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries set forth in sections A, B, and C below of the most significant aspects of such statements.[3]

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

Under DTC's current procedures, in situations involving solicitations when an issuer has announced an annual or special shareholders meeting or consent solicitation and where a record date has been established, DTC assigned applicable Cede & Co. voting rights or consenting rights to its participants that have securities credited to their accounts on the record date and issues an omnibus proxy and forwards it to the issuer or trustee. DTC also assists its participants in exercising other rights available to Cede & Co. as the recordholder of securities on deposit at DTC, such as the right to dissent and seek an appraisal of stock, the right to inspect a stock ledger, and the right to accelerate a bond. Participants may seek DTC's assistance in exercising such rights on their own behalf or on behalf of their customers. DTC will act in these matters only upon written instructions from participants with securities credited in its DTC free account.

In a Unitary Action situation, however, DTC cannot follow the procedures described above.[4] DTC's proposed rule change would enable DTC, in its sole discretion, to determine whether it has a reasonable amount of time to solicit and receive instructions from participants in advance of taking the Unitary Action. If DTC believes it has time to solicit and receive information from its participants, as a general rule DTC will use reasonable efforts to obtain instructions from participants holding a position in the affected security as to how to act. DTC will then act in accordance with the instructions timely received from the holders of a plurality of the number of shares or principal amount of bonds or notes of the affected security registered in Cede & Co.'s name. For matters that are ministerial or otherwise nonsubstantive in nature, DTC may in its sole discretion announce to its participants an action that it plans to take. DTC shall then be deemed to be authorized by participants to take such action, absent instructions timely received to the contrary from its participants representing a majority of the number of shares or principal amount of bonds or notes of the affected security registered in Cede & Co.'s name.

When involved in a situation requiring a Unitary Action where DTC in its sole discretion determines that it does not have a reasonable amount of time to solicit and receive instructions from participants in advance of taking the Unitary Action, DTC may use reasonable efforts to act for the benefit of participants holding positions in the affected security but shall have no obligation to do so.

Under the proposed Unitary Action procedures, DTC will not be liable for any losses arising from Unitary Actions it takes or fails to take in connection with the above-described procedures, other than those losses that are directly caused by DTC's gross negligence or willful misconduct. Moreover, under DTC Rule 20, DTC may charge each participant that holds a position in the affected security a pro rate share (based on the number of shares or principal amount of bonds or notes) of expenses related to DTC's taking a Unitary Action. In such a situation, DTC may incur unusual expenses (*e.g.,* hiring outside counsel) that are specifically attributable to the securities that are subject to the Unitary Action, whereas the Unitary Action does not involve any other securities on deposit with DTC.

DTC believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to DTC since the proposed rule change will, by clarifying the procedures that DTC will follow in situations calling for Unitary Actions, promote the prompt and accurate clearance and settlement of securities transactions.

B. Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments from DTC participants have not been solicited or received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or such longer period (i) as the Commission may delegate up to ninety days of such date if it finds such longer period to be appropriate and published its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in

[2] The text of DTC's Unitary Action Procedures is labeled as Exhibit 2 of DTC's proposed rule change and is available through the Commission's Public Reference Room or through DTC.

[3] The Commission has modified the text of the summaries prepared by DTC.

[4] DTC has experienced only one Unitary Action event. That event involved a non U.S.-issuer in a bankruptcy situation.

the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at DTC's principal office. All submissions should refer to File No. SR–DTC–2001–05 and should be submitted by February 19, 2002.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[5]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 02–2070 Filed 1–28–02; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

[Public Notice 3899]

Modification of Description of ''Territory of Afghanistan Controlled by the Taliban'' in Executive Order 13129

Executive Order 13129 of July 4, 1999, blocks property and prohibits transactions with the Taliban. Under section 4(d) of this Order, the Secretary of State, in consultation with the Secretary of the Treasury, is authorized to modify the description of the term ''territory of Afghanistan controlled by the Taliban.'' Acting under the authority delegated to me by the Secretary of State in Delegation of Authority 235 of October 14, 1999, and in consultation with the Secretary of the Treasury, I hereby determine as of this date that the Taliban controls no territory within Afghanistan, and modify the description of the term ''territory of Afghanistan controlled by the Taliban'' to reflect that the Taliban controls no territory within Afghanistan.

This notice shall be published in the **Federal Register**.

Dated: January 24, 2002.

Richard L. Armitage,

Deputy Secretary of State, Department of State.

[FR Doc. 02–2244 Filed 1–25–02; 2:35 pm]

BILLING CODE 4710–07–P

DEPARTMENT OF STATE

[Public Notice 3898]

Office Of Defense Trade Controls; Notifications to the Congress of Proposed Commercial Export Licenses

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Department of State has forwarded the attached Notifications of Proposed Export Licenses to the Congress on the dates shown on the attachments pursuant to sections 36(c) and 36(d) and in compliance with section 36(e) of the Arms Export Control Act (22 U.S.C. 2776).

EFFECTIVE DATE: As shown on each of the twenty-three letters.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Lowell, Director, Office of Defense Trade Controls, Bureau of Political-Military Affairs, Department of State (202 663–2700).

SUPPLEMENTARY INFORMATION: Section 38(e) of the Arms Export Control Act mandates that notifications to the Congress pursuant to sections 36(c) and 36(d) must be published in the **Federal Register** when they are transmitted to Congress or as soon thereafter as practicable.

Dated: January 16, 2002.

William J. Lowell,

Director, Office of Defense Trade Controls, Department of State.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

November 1, 2001.

Dear Mr. Speaker: Pursuant to Section 36(c) and (d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export to Japan of technical data, defense services and defense articles for the manufacture and servicing of the RT–1063B/APX–101(V) and RT–1063C/APX–101(V) Transponder for end-use by Japan.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification, which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

November 1, 2001.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export to Norway of technical data and defense services for the manufacture of F110 and F118 engine components for return to the United States.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification, which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

November 1, 2001.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the modernization of eighty CF–18 aircraft for the Government of Canada.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

November 13, 2001.

Dear Mr. Speaker: Pursuant to Section 36 (c) and (d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed manufacturing license agreement with Germany, the Netherlands, and Spain.

The transaction described in the attached certification involves the transfer of technical data and assistance in the manufacture of components, subassemblies and sections common to the STANDARD MISSILE 2 Block IIIA and other STANDARD MISSILE Variants for end use by the Netherlands, German and Spanish Navies.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

[5] 17 CFR 200.30–3(a)(12).

Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

November 13, 2001.

Dear Mr. Chairman: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of technical data and defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction described in the attached certification involves the export to the Republic of Korea (ROK) of technical data and assistance in the manufacture of the Gunners Primary Tank Thermal Sight for end-use by the ROK Government.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

November 13, 2001.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of technical assistance in the development of a satellite communications system super-high frequency ECCM modem for end use by the United Kingdom Ministry of Defense.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

November 13, 2001.

Dear Mr. Speaker: Pursuant to Section 36(c) and (d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $50,000,000 or more.

The transaction described in the attached certification involves the export to Japan of technical data, defense services and defense articles for the manufacture of the LN–39J Inertial Navigation System for end-use by Japan.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification, which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

November 13, 2001.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed manufacturing license agreement with South Korea.

The transaction described in the attached certification involves the transfer of naval architectural and marine engineering services to South Korea for the design and development of the 7000-ton KDX–III Class Aegis Destroyer for the Republic of Korea Navy.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification, which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

November 27, 2001.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement with Japan.

The transaction described in the attached certification involves the production of Shielded Mild Detonating Cord for end-use by the Japanese Defense Force.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

November 27, 2001.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the manufacture of Programmable Armament Control Systems for F–15 aircraft in Japan.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

November 27, 2001.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of Defensive Aids Sub-Systems for Maritime Patrol Aircraft to the United Kingdom, Ministry of Defense.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

November 27, 2001.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles and defense services to upgrade the French E–3F Airborne Warning and Surveillance (AWACS) aircraft.

The United States Government is prepared to license the export of these items having taken into account political, military,

economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

November 27, 2001.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed manufacturing license agreement with the United Kingdom.

The transaction described in the attached certification involves the transfer of technical data and assistance in the manufacture of the AMRAAM Target Detection Device (TDD or fuze) for return to the United States.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification, which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

November 27, 2001.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act and consistent with Title IX of Public Law 106–79, I am transmitting herewith certification of a proposed license for the export of defense articles to India.

The President made a determination in a manner consistent with Title IX of the Department of Defense Appropriations Act, Fiscal Year 2000 (Public Law 106–79) to waive sanctions on India in connection with the Glenn Amendment and related provisions, as reported to you by separate letter. Under Title IX, the issuance of a license for the export of defense articles or defense services to India pursuant to the waiver authority of that Title is subject to the same requirements as are applicable to the export of items described in section 36(c) of the Arms Export Control Act, and the Administration is treating authorization for the requested export consistent with these provisions.

The transaction described in the attached certification involves the transfer of communications satellite components and defense services associated with the sale of the Agrani satellite to India by France and its launch from the United States.

The United States Government is prepared to authorize the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

December 17, 2001.

Dear Mr. Speaker: Pursuant to Section 36(c) and (d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles and defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export to Japan of technical data, defense services and defense articles for the manufacture, engineering, and assembly of the AN/APS–137B(V)5 Radar set, components and associated test equipment for end-use by the Japanese Maritime Self Defense Force.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly
Assistant Secretary. Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

December 17, 2001.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of technical data and assistance to Japan for the manufacture of the NR–109 Illumination Projectile for end-use by the Japanese Defense Agency.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

December 17, 2001.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of technical data and assistance for the U.S. launch of the EUTELSAT W–4 and EUTELSAT Hotbird 6 commercial communications satellites into earth orbit.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

December 17, 2001.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles and defense services in the amount of $50,000,000 or more.

The transaction described in the attached certification involves the export to Japan of technical data, defense articles and assistance for the manufacture of the Standard Flight Data Recorder for end-use by the Japanese Defense Agency in their aircraft.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

December 17, 2001.

Dear Mr. Speaker: Pursuant to Section 36(c) and (d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of technical data and defense services for the manufacture, operation and maintenance in Japan of the Combined Interrogator/Transponder IFF System on F–2 aircraft of the Japanese Government.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

December 19, 2001.

Dear Mr. Speaker: Pursuant to Section 36(c) and (d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of technical data and defense services for the manufacture in Japan of the KD2R–5 Target Drone Airplanes for the Japanese Government.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

December 21, 2001.

Dear Mr. Speaker: Pursuant to Section 36(c) and (d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export to Taiwan of technical data, defense services and defense articles for the manufacture and assembly of the MK 19, 40mm Grenade Machine Gun and MK 64, Mod 9 Machine Gun mount for end-use by Taiwan.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Sec*retary, Legislative Affairs.*

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

December 21, 2001.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement with Turkey.

The transaction described in the attached certification involves the manufacture in Turkey of the MXF–483 and MXF–484 Airborne Frequency Hopping UHF/VHF Transceivers for end-use in NATO member countries, Australia, New Zealand, and South Korea.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

December 21, 2001.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export to the United Kingdom of technical data related to the development and repair of United Kingdom produced items (i.e., head up displays, air data computers, and sensors) for end-use by the U.S. Government.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

[FR Doc. 02–2164 Filed 1–28–02; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF STATE

[Public Notice 3897]

Culturally Significant Objects Imported for Exhibition Determinations: ''Women Who Ruled: Queens, Goddesses, Amazons 1500–1650''

AGENCY: United States Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the objects to be included in the exhibition ''Women Who Ruled: Queens, Goddesses, Amazons 1500–1650,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner. I also determine that the exhibition or display of the exhibit objects at the University of Michigan Museum of Art, Ann Arbor, MI from on or about February 17, 2002 to on or about May 5, 2002, the Davis Museum and Cultural Center at Wellesley College, from on or about September 14, 2002 to on or about December 8, 2002, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Carol B. Epstein, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State, (telephone: 202/619–6981). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: January 22, 2002.

Patricia S. Harrison,

Assistant Secretary for Educational and Cultural Affairs, United States Department of State.

[FR Doc. 02–2163 Filed 1–28–02; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 3836]

Shipping Coordinating Committee; Meeting Notice

The Shipping Coordinating Committee, will conduct an open meeting on Thursday, February 21, 2002, at 1:30 pm in Room 6103, U.S. Coast Guard Headquarters, 2100 Second Street, SW, Washington, DC. The purpose of the meeting is to prepare for the forty-fifth session of the Subcommittee on Ship Design and Equipment of the International Maritime Organization (IMO) that is scheduled for March 18–22, 2002, at IMO Headquarters in London, England.

Among other things, items of particular interest are: large passenger ship safety; revision of resolutions MEPC.60(33) and A.586(14) regarding pollution prevention equipment; interpretations and amendments to the 2000 High Speed Craft Code; development of guidelines for ships operating in ice-covered waters; low-powered radio homing devices for liferafts on ro-ro passenger ships; use of desalinators on liferafts and lifeboats; amendments to the International Convention for the Safety of Life at Sea (SOLAS) requirements on electrical installations; amendments to resolution A.744(18) regarding guidelines on the enhanced program of inspections during surveys of bulk carriers and oil tankers; revision of the Interim Standards for ship maneuverability; and guidelines under the International Convention for the Prevention of Pollution from Ships (MARPOL) Annex VI on prevention of air pollution from ships.

All members of the public are encouraged to attend or send representatives to participate in the development of U.S. positions on those issues affecting your maritime industry and remain abreast of all activities ongoing within the IMO. Members of the public may attend this meeting up to the seating capacity of the room. Interested persons may seek information by writing: Mr. Wayne Lundy, U.S. Coast Guard Headquarters, Commandant (G–MSE–3), 2100 2nd Street, SW., Washington, DC 20593–0001 or by calling: (202) 267–2206.

Dated: January 17, 2002.

Stephen Miller,

Executive Secretary, Shipping Coordinating Committee, Department of State.

[FR Doc. 02–2161 Filed 1–28–02; 8:45 am]

BILLING CODE 4710–07–P

DEPARTMENT OF STATE

[Public Notice 3837]

Shipping Coordinating Committee; Notice of Meeting

The Shipping Coordinating Committee will conduct an open meeting at 9:30 AM on Thursday, March 14, 2002. This meeting will be held in room 3246A at the Department of Transportation Headquarters Building, 400 Seventh Street, SW., Washington, DC 20950. The purpose of this meeting is to review the outcome of the Sixth Session of the International Maritime Organization (IMO) Subcommittee on Radiocommunications and Search and Rescue, which was held the week of February 18–22, 2002, at the IMO headquarters in London, England.

Further information, including the meeting agenda, the meeting room number, and input papers, can be obtained from the Coast Guard Navigation Information Center Internet World Wide Web by entering: ''http://www.navcen.uscg.gov/marcomms''.

Members of the public may attend this meeting up to the seating capacity of the room. Interested persons may seek information by writing: Mr. Russell S. Levin, U.S. Coast Guard Headquarters, Commandant (G–SCT–2), Room 6509, 2100 Second Street, SW., Washington, DC 20593–0001, by calling: (202) 267–1389, or by sending Internet electronic mail to *rlevin@comdt.uscg.mil.*

Dated: January 17, 2002.

Stephen Miller,

Executive Secretary, Shipping Coordinating Committee, Department of State.

[FR Doc. 02–2162 Filed 1–28–02; 8:45 am]

BILLING CODE 4710–07–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Comments Concerning Compliance With Telecommunications Trade Agreements

AGENCY: Office of the United States Trade Representative.

ACTION: Extension of time to file public comment concerning compliance with Telecommunications Trade Agreements; additional information on filing of comments.

SUMMARY: The Office of the United States Trade Representative published a document in the **Federal Register** on December 27, 2001, concerning request for comments on compliance with telecommunications trade agreements. We are extending the date by which persons should file comments to February 1, 2002. In addition, we are providing additional guidance for the submission of comments which should be carefully reviewed.

FOR FURTHER INFORMATION CONTACT: Kenneth Schagrin, 202–395–5663.

In the **Federal Register** of December 27, 2001, in FR Doc. 01–31795 on page 66964, make the following changes:

1. In the first column, under **DATES:**, the new date should read February 1, 2002.

2. In the second column under **PUBLIC COMMENTS: REQUIREMENTS FOR SUBMISSION**, remove the second, third and fourth paragraphs and add new paragraphs to read as follows:

In order to ensure the most timely and expeditious receipt and consideration of comments, USTR has arranged to accept submissions in electronic format (e-mail). Comments should be submitted electronically to *FR0013@ustr.gov.* An automatic reply confirming receipt of e-mail submission will be sent. E-mail submissions in Microsoft Word or Corel WordPerfect are preferred. If a word processing application other than those two is used, please include in your submission the specific application used. For any documents containing business confidential information submitted electronically, the file name of the business confidential version should begin with the characters ''BC'', and the file name of the public version should begin with the character ''P''. The ''BC'' and ''P'' should be followed by the name of the person or entity submitting the comments. Interested persons who make submissions electronically should not provide separate cover letters; rather, information that might appear in a cover letter should be included in the submission itself. Similarly, to the extent possible, any attachments to the submission should be included in the same file as the submission itself, and not as separate files.

We strongly urge people to avail themselves of the electronic filing, if at all possible. If an e-mail submission is impossible, 15 copies may be submitted, in English, to Gloria Blue, Office of the United States Trade Representative, by noon on February 1, 2002. Submissions not filed electronically must be delivered by private commercial courier, and arrangements must be made with Ms. Blue prior to delivery for their receipt. Ms. Blue should be contacted at (202) 395–3475.

All comments will be placed in the USTR Reading Room for inspection shortly after the filing deadline, except

business confidential information exempt from public inspection in accordance with 15 CFR 2003.6. Confidential information submitted in accordance with 15 CFR 2003.6, must be clearly marked ''BUSINESS CONFIDENTIAL'' in a contrasting color ink at the top of each page on each of 15 copies, and must be accompanied by 15 copies of a non-confidential summary of the confidential information. The non-confidential summary will be placed in the USTR Public Reading Room. USTR will also post all non-confidential comments filed on the USTR web site. Therefore, those persons not availing themselves of electronic filing, must submit their 15 copies with a diskette. USTR will post the non-confidential version of the filing, therefore the non-confidential version must be clearly marked on the diskette.

An appointment to review the comments may be made by calling the USTR Reading Room at (202) 395–6186. The USTR Reading Room is open to the public from 9:30 a.m. to 12 noon, and from 1 p.m. to 4 p.m., Monday through Friday, and is located in Room 3 of 1724 F Street, NW.

Dated: January 18, 2002.

Carmen Suro-Bredie,

Chairman, Trade Policy Staff Committee.

[FR Doc. 02–1841 Filed 1–28–02; 8:45 am]

BILLING CODE 3190–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG 2001–10855]

Information Collection Under Review by the Office of Management and Budget (OMB): 2115–0636

AGENCY: Coast Guard, DOT.

ACTION: Request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this request for comments announces that the Coast Guard has forwarded one Information Collection Report (ICR) abstracted below to the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget (OMB) for review and comment. Our ICR describes the information we seek to collect from the public. Review and comment by OIRA ensures that we impose only paperwork burdens commensurate with our performance of duties.

DATES: Please submit comments on or before February 28, 2002.

ADDRESSES: To make sure that your comments and related material do not enter the docket [USCG 2001–10855] more than once, please submit them by only one of the following means:

(1) By mail (a) to the Docket Management Facility, U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001, or (b) to OIRA, 725 17th Street NW., Washington, DC 20503, to the attention of the Desk Officer for the Coast Guard. Caution: Because of recent delays in the delivery of mail, your comments may reach the Facility more quickly if you choose one of the other means described below.

(2) By delivery to (a) room PL–401 at the address given in paragraph (1)(a) above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329, or (b) OIRA, at the address given in paragraph (1)(b) above, to the attention of the Desk Officer for the Coast Guard.

(3) By fax to (b) the Docket Management Facility at 202–493–2251 or (b) OIRA 202–395–7285, attention: Desk Officer for the Coast Guard.

(4) Electronically (a) through the Web Site for the Docket Management System at *http://dms.dot.gov* or (b) OIRA does not have a website on which you can post your comments.

The Docket Management Facility maintains the public docket for this notice. Comments and material received from the public, as well as documents mentioned in this notice as being available in the docket, will become part of this docket and will be available for inspection or copying at room PL–401 (Plaza level), 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at *http://dms.dot.gov*.

Copies of the complete ICR are available for inspection and copying in public dockets. A copy of it is available in docket USCG 2001–10855 of the Docket Management Facility between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays; for inspection and printing on the internet at *http://dms.dot.gov;* and for inspection from the Commandant (G-CIM–2), U.S. Coast Guard, room 6106, 2100 Second Street S.W., Washington, DC, between 10 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Barbara Davis, Office of Information Management, 202–267–2326, for questions on this document; Dorothy Beard, Chief, Documentary Services Division, U.S. Department of Transportation, 202–366–5149, for questions on the docket.

SUPPLEMENTARY INFORMATION :

Regulatory History

This request constitutes the 30-day notice required by OIRA. The Coast Guard has already published [66 FR 55237 (November 1, 2001)] the 60-day notice required by OIRA. That notice elicited no comments.

Request for Comments

The Coast Guard invites comments on the proposed collection of information to determine whether the collection is necessary for the proper performance of the functions of the Department. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the collection; (2) the accuracy of the Department's estimated burden of the collection; (3) ways to enhance the quality, utility, and clarity of the information that is the subject of the collection; and (4) ways to minimize the burden of collection on respondents, including the use of automated collection techniques or other forms of information technology.

Comments, to DMS or OIRA, must contain the OMB Control Number of the ICR addressed. Comments to DMS must contain the docket number of this request, USCG 2001–10855. Comments to OIRA are best assured of having their full effect if OIRA receives them 30 or fewer days after the publication of this request.

Information Collection Request

Title: Survey of Customers of the International Ice Patrol (IIP) Run by the Coast Guard.

OMB Control Number: 2115–0636.

Type of Request: Extension of a currently approved collection.

Affected Public: Masters, crewmembers, scientists, or other persons that use the bulletins or charts of the IIP.

Forms: Survey of Customers of the International Ice Patrol (IIP).

Abstract: The Coast Guard will use the information obtained from customers to measure satisfaction with current services and determine whether added services are necessary.

Annual Estimated Burden Hours: The estimated burden is 125 hours a year.

Dated: January 23, 2002.

V.S. Crea,

Director of Information and Technology.

[FR Doc. 02–2152 Filed 1–28–02; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2002–01]

Petitions for Exemption; Summary of Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

FOR FURTHER INFORMATION CONTACT: Forest Rawls (202) 267–8033, Sandy Buchanan-Sumter (202) 267–7271, or Vanessa Wilkins (202) 267–8029, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on January 24, 2002.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No.: FAA–2001–10799 (previously Docket No. 29682).

Petitioner: Garrett Aviation Services.

Section of 14 CFR Affected: 14 CFR 145.45(f).

Description of Relief Sought/Disposition: To permit Garrett to place and maintain its inspection procedures manual (IPM) in strategically located areas throughout its facility in lieu of giving a copy of the IPM to each of its supervisory and inspection personnel.

Grant, 12/21/2001, Exemption No. 7089A

Docket No.: FAA–2001–10870.

Petitioner: Garrett Aviation Services.

Section of 14 CFR Affected: 14 CFR 25.813(e).

Description of Relief Sought/Disposition: To permit Garrett to install interior doors between passenger compartments on the Dassault Aviation airplane models Mystere Falcon 900 and Falcon 900EX.

Grant, 11/27/2001, Exemption No. 7668

[FR Doc. 02–2144 Filed 1–28–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2002–02]

Petitions for Exemption; Summary of Petitions Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of a certain petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before February 19, 2002.

ADDRESSES: Send comments on any petition to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2000–XXXX at the beginning of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to *http://dms.dot.gov.* You may review the public docket containing the petition, any comments received, and any final dispositions in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office (telephone 1–800–647–5527) is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Forest Rawls, (202) 267–8033, Sandy Buchanan-Sumter, (202) 267–7271, or Vanessa Wilkins, (202) 267–8029, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on January 24, 2002.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: FAA–2002–11280.

Petitioner: Lufthansa Technik AG.

Section of 14 CFR Affected: 14 CFR 25.601.

Description of Relief Sought: To allow Lufthansa to configure the Boeing Model 737–700 IGW series airplane for private, not-for-hire use with an executive interior that includes a partition partially made of glass in the passenger cabin.

[FR Doc. 02–2145 Filed 1–28–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2002–03]

Petitions for Exemption

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

FOR FURTHER INFORMATION CONTACT: Forest Rawls (202) 267–8033, Sandy Buchanan-Sumter (202) 267–7271, or Vanessa Wilkins (202) 267–8029, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on January 24, 2002.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No.: FAA–2001–11080 (previous Docket No. 29661).

Petitioner: Experimental Aircraft Association, Small Aircraft Manufacturers Association, and National Association of Flight Instructors.

Section of 14 CFR Affected: 14 CFR 91.319(a)(1) and (2).

Description of Relief Sought/ Disposition: To permit permits EAA, SAMA, and NAFI members who own certain amateur- and kit-built aircraft certificated in the experimental category to receive compensation for the use of the aircraft for the purpose of conducting aircraft-specific flight training and flight review under 14 CFR 61.56.

Grant, 12/20/2001, Exemption No. 7162B.

Docket No.: 28963.

Petitioner: Wiggins Airways, Inc.

Section of 14 CFR Affected: 14 CFR 43.3.

Description of Relief Sought/ Disposition: To permit properly trained pilots employed by Wiggins to change the electrical leads from the ignition exciter box to the spare ignition exciter box, in the event of an ignition box failure, on its Cessna C–208B Caravan aircraft (C–208B) for operations conducted under 14 CFR part 135.

Denial, 12/03/2001, Exemption No. 7671.

Docket No.: FAA–2001–10481.

Petitioner: The Boeing Company, Boeing Commercial Airplanes Group.

Section of 14 CFR Affected: 14 CFR 145.45(f).

Description of Relief Sought/ Disposition: To permit Boeing to give copies of its inspection procedures manual (IPM) to key individuals and make the manual available electronically to all other employees, rather than give a copy of the IPM to each of its supervisory and inspection personnel.

Grant, 11/29/2001, Exemption No. 7065A.

Docket No.: FAA–2001–8940.

Petitioner: Mr. Scot Alexander Liefeld.

Section of 14 CFR Affected: 14 CFR 65.104(a)(2).

Description of Relief Sought/ Disposition: To permit Mr. Liefeld to be eligible to apply for a repairman certificate (experimental aircraft builder) for the Pietenpol Air Camper kit airplane (registration No. N11MS, serial No. MS1), without being the primary builder.

Grant, 12/03/2002, Exemption No. 7672.

Docket No.: FAA–2001–8614.

Petitioner: GE On Wing Support, Inc.

Section of 14 CFR Affected: 14 CFR 145.37(b).

Description of Relief Sought/ Disposition: To permit GE OWS to qualify for an airframe rating without having suitable permanent housing for at least one of the heaviest aircraft within the weight class of the rating it seeks.

Denial, 12/03/2001, Exemption No. 7670.

[FR Doc. 02–2146 Filed 1–28–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2002–04]

Petitions for Exemption; Summary of Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

FOR FURTHER INFORMATION CONTACT: Forest Rawls (202) 267–8033, Sandy Buchanan-Sumter (202) 267–7271, or Vanessa Wilkins (202) 267–8029, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC on January 24, 2002.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No.: FAA–2001–10605.

Petitioner: United Airlines, Inc.

Section of 14 CFR Affected: 14 CFR 121.440(a) and SFAR 58, paragraph 6(b)(3)(ii)(A).

Description of Relief Sought/ Disposition:

To permit United Airlines, Inc., to meet line check requirements using an alternative line check program.

Grant, 12/31/2001. Exemption No. *3451M.* Docket No.: FAA–2001–9501.

Petitioner: U.S. Air Force.

Section of 14 CFR Affected: 14 CFR 91.209(a)(1) and (b).

Description of Relief Sought/ Disposition: To permit USAF to conduct night-vision flight training operations at and above 18,000 feet mean sea level in various aircraft without lighted position lights.

Grant, 01/03/2002, Exemption No. 7687.

[FR Doc. 02–2147 Filed 1–28–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2002–05]

Petitions for Exemption; Summary of Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

FOR FURTHER INFORMATION CONTACT: Forest Rawls (202) 267–8033, Sandy Buchanan-Sumter (202) 267–7271, or Vanessa Wilkins (202) 267–8029, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on January 24, 2002.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No.: FAA–2001–9461.

Petitioner: The World, LLC dba World Balloon.

Section of 14 CFR Affected: 14 CFR 91.319(c).

Description of Relief Sought/Disposition: To permit World Balloon to operate over densely populated areas its Cameron Balloons Ltd. COW–106 balloon and Dinosaur 80 balloon (registration Nos. N457C and N457D, serial Nos. 3945 and 3324, respectively), which are certificated in the experimental exhibition category.

Denial, 01/10/2002, Exemption No. 7693.

Docket No.: FAA–2001–9792.

Petitioner: The Boeing Company.

Section of 14 CFR Affected: 14 CFR 91.319(d)(3).

Description of Relief Sought/Disposition: To permit Boeing to operate an aircraft holding an experimental certificate into or out of airports with an operating control tower without notifying the control tower of the experimental nature of the aircraft.

Denial, 01/10/2002, Exemption No. 7692.

Docket No.: FAA–2001–9942.

Petitioner: McMahon Helicopter Services, Inc.

Section of 14 CFR Affected: 14 CFR 135.411(a)(2).

Description of Relief Sought/Disposition: To permit McMahon to operate 3 Sikorsky S–58/T helicopters with passenger seating configurations of 10 to 14 seats (1) without an approved flight recorder installed in each helicopter and (2) without those helicopters being maintained under a maintenance program in §§ 135.415, 135.416, 135.417, and 135.423 through 135.443.

Denial, 01/10/2002, Exemption No. 7690.

[FR Doc. 02–2148 Filed 1–29–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2002–06]

Petitions for Exemption; Summary of Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Dispositions for prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

FOR FURTHER INFORMATION CONTACT: Forest Rawls (202) 267–8033, Sandy Buchanan-Sumter (202) 267–7271, or Vanessa Wilkins (202) 267–8029, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on January 24, 2002.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No.: FAA–2000–8471.

Petitioner: Termikas, USA.

Section of 14 CFR Affected: 14 CFR 21.183(c).

Description of Relief Sought/Disposition: To permit Termikas to obtain a standard airworthiness certificate for each of its LET L–13 Blanik sailplanes without a certifying statement from the country of manufacture relating to the sailplanes' airworthiness.

Denial, 01/04/2002, Exempt No. 7688.

Docket No.: FAA–2001–11177 (previously Docket No. 29578).

Petitioner: Hawaiian Airlines.

Section of 14 CFR Affected: 14 CFR 121.433(c)(1)(iii), 121.441(a)(1) and (b)(1), and appendix F to part 121.

Description of Relief Sought/Disposition: To permit Hawaiian to establish an annual single-visit training program for its pilots and flight engineers and eventually transition to the advanced qualification program codified in Special Federal Aviation Regulation No. 58.

Grant, 01/08/2002, Exempt No. 7108A.

Docket No.: FAA–2001–8722.

Petitioner: SkyWest Airlines.

Section of 14 CFR Affected: 14 CFR 121.434(c)(1)(ii).

Description of Relief Sought/Disposition: To permit SkyWest to substitute a qualified and authorized check airman in place of the FAA inspector to observe a qualifying pilot in command who is completing initial or upgrade training specified in § 121.424 during at least one flight leg that includes a takeoff and a landing.

Grant, 01/09/2002, Exemption No. 7689.

[FR Doc. 02–2149 Filed 1–28–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2002–07]

Petitions for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of a certain petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before February 19, 2002.

ADDRESSES: Send comments on any petition to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2000–XXXX at the beginning of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to *http://dms.dot.gov.* You may review the public docket containing the petition, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office (telephone 1–800–647–5527) is on the plaza level of the NASSIF Building at the Department of Transportation at the

above address. Also, you may review public dockets on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Forest Rawls (202) 267–8033, Sandy Buchanan-Sumter (202) 267–7271, or Vanessa Wilkins (202) 267–8029, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91

Issued in Washington, DC, on January 24, 2002.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: FAA–2001–10291.

Petitioner: Mr. Craig D. Pieper.

Section of 14 CFR Affected: 14 CFR 107.31(2)(xxiii) and 108.33(2)(xxiii).

Description of Relief Sought: To permit Mr. Pieper to obtain a security clearance to maintain a position as an intern with Continental Airlines.

[FR Doc. 02–2150 Filed 1–28–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Participation in the Fiscal Year 2003 Intelligent Transportation Systems (ITS) Deployment Program

AGENCY: Federal Highway Administration (FHWA), U.S. DOT.

ACTION: Notice; request for preliminary applications.

SUMMARY: The FHWA is requesting preliminary applications from public/public or public/private partnerships to determine qualifications for participation in the Fiscal Year (FY) 2003 Intelligent Transportation Systems (ITS) Deployment Program. The focus of the FY 2003 ITS Deployment Program is to provide incentive monies for the deployment and/or integration of ITS to enhance the security of our surface transportation systems. Those preliminary applications that demonstrate an ability to meet the selection criteria will be considered for funding and will be asked to provide a more detailed technical proposal and financial plan prior to approval and the receipt of funds.

DATES: Preliminary applications to determine qualifications for participation in the ITS Deployment Program must be received before 4 p.m., e.t., Friday, April 1, 2002.

ADDRESSES: Preliminary applications to participate in either component of the ITS Deployment Program should be submitted directly to the FHWA, ITS Joint Program Office, HOIT, Department of Transportation, 400 Seventh St., SW., Room 3404, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: *For the ITS Integration Program:* Mr. Michael Freitas, FHWA, ITS Joint Program Office, (202) 366–9292; Mr. Ron Boenau, FTA, Office of Mobility Innovation, (202) 366–0195; Mr. Mark Kehrli, FHWA, Office of Travel Management, (202) 366–5465; or Ms. Gloria Hardiman-Tobin, FHWA, Office of Chief Counsel, (202) 366–0780, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

For the Commercial Vehicle ITS Deployment Program: Ms. Katherine Hartman, FHWA , ITS Joint Program Office, (202) 366–2742; Mr. Jeffrey Secrist, FMCSA, Office of Research and Technology, (202) 358–5658; or Ms. Gloria Hardiman-Tobin, FHWA, Office of Chief Counsel, (202) 366–0780, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the Office of the Federal Register's home page at *http://www.nara.gov/fedreg* and the Government Printing Office's Web page at *http://www.access.gpo.gov/nara.* The document may also be downloaded using a modem and suitable communications software from the U.S. DOT's ITS page at *http://www.its.dot.gov.*

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I. Background

The ITS Deployment Program was established by the Transportation Equity Act for the 21st Century (TEA–21)(Public Law 105–178, 112 Stat. 107, (1998)). The ITS Deployment Program described in sections 5001(a)(6) and (c)(4) of TEA–21 encompasses the ITS Integration Program and the Commercial Vehicle Intelligent Transportation System Infrastructure Deployment Program (Commercial Vehicle ITS Deployment Program). Section 5208 of the TEA–21 establishes the ITS Integration Program to accelerate the integration and interoperability of intelligent transportation systems in metropolitan and rural areas. Section 5209 of the TEA–21 establishes the Commercial Vehicle ITS Deployment Program to deploy intelligent transportation systems that improve the safety and productivity of commercial vehicles and drivers, and to reduce costs associated with commercial vehicle operations and Federal and State commercial vehicle regulatory requirements.

For FY 2003, the ITS Integration Program provides $85,000,000 in Federal ITS funding for the integration of multi-modal ITS components in metropolitan areas, rural areas, or in statewide, multi-State, or multi-city settings. In FY 2003, the Commercial Vehicle ITS Deployment Program provides $35,500,000 in Federal ITS funding to improve the safety and productivity of commercial vehicles and drivers, and reduce costs associated with commercial vehicle operation and regulatory requirements.

II. Purpose of the ITS Deployment Program

Section 5208 establishes the ITS Integration Program to accelerate the *integration* and *interoperability* of intelligent transportation systems in metropolitan and rural areas. (emphasis added)

Additionally, section 5208(a) states that projects selected for funding, through competitive solicitation, will serve as models to improve transportation efficiency, promote safety (including safe freight movement), increase traffic flow (including the flow of intermodal travel at ports of entry), reduce emissions of air pollutants, improve traveler information, enhance alternative transportation modes, build on existing intelligent transportation system projects, or promote tourism.

Section 5209 of the TEA–21 establishes the Commercial Vehicle ITS Deployment Program to improve the safety and productivity of commercial

motor vehicles and drivers; and reduce the costs associated with commercial vehicle operations and Federal and State commercial vehicle regulatory requirements.

According to section 5209(b), the purpose of the Commercial Vehicle ITS Deployment Program is to advance the technological capability and promote the development of intelligent transportation system applications to commercial vehicle operations, including commercial vehicle, commercial driver, and carrier-specific information systems.

III. Solicitation Intent

Recent events have focused attention on the need to ensure the security of our nation's transportation system. ITS technologies offer the opportunity to significantly improve transportation security in several ways. First, innovative surveillance technologies and applications offer the potential to monitor critical infrastructure elements. These critical elements include critical bridges and tunnels, key subway stations or multi-modal facilities, multi-modal freight facilities, and highway or transit operations centers. The technology monitoring may continuously determine the status of these elements, identify potential risks to these critical elements, and immediately report any changes in the status of these critical elements. Second, these same surveillance systems may be used to better monitor operations on the surface transportation systems to improve the ability to identify security related incidents and better locate those incidents and to assure safe operations during more routing operations. Third, ITS technologies may provide for improved coordinated responses to these same incidents through improved traffic management, traveler information, transit system management, and/or public safety coordination. Fourth, ITS technologies may ensure the secure operation of commercial motor vehicles, their drivers, and their cargo. Fifth, improved communication networks and systems may help to better identify high risk commercial vehicles or drivers.

For these reasons, the FHWA has determined that there is a critical need to focus the FY 2003 ITS Deployment Program on the application of ITS technologies that enhance the security of surface transportation systems. The objective is to provide incentive monies for the deployment and/or integration of ITS for the express purpose of enhancing the security of our surface transportation systems.

IV. Criteria for Participation in the ITS Deployment Program

Section 5208 of TEA–21 states that projects selected for ITS Integration Program funding shall:

1. Contribute to national deployment goals and objectives outlined in the National ITS Program Plan; (Note that a synopsis of the National ITS Program Plan can be downloaded from the ITS Electronic Document Library (EDL) at *http://www.its.dot.gov.* The EDL number is 3845.)

2. Demonstrate a strong commitment to cooperation among agencies, jurisdictions, and the private sector, as evidenced by signed memoranda of understanding (MOUs) that clearly define the responsibilities and relations of all parties to a partnership arrangement, including institutional relationships and financial agreements needed to support integrated deployment;

3. Encourage private sector involvement and financial commitment, to the maximum extent practicable, through innovative financial arrangements, especially public-private partnerships, including arrangements that generate revenue to offset public investment costs;

4. Demonstrate commitment to a comprehensive plan of fully integrated ITS deployment in accordance with the national ITS architecture and standards and protocols;

5. Be part of approved plans and programs developed under applicable statewide and metropolitan transportation planning processes and applicable State air quality implementation plans, as appropriate, at the time at which Federal ITS funds are sought;

6. Minimize the relative percentage and amount of Federal ITS funding to total project costs;

7. Ensure continued, long-term operations and maintenance without continued reliance on Federal ITS funding as evidenced by documented evidence of fiscal capacity and commitment from anticipated public and private sources;

8. Demonstrate technical capacity for effective operations and maintenance or commitment to acquiring necessary skills;

9. Mitigate any adverse impacts on bicycle and pedestrian transportation and safety;

10. In the case of a rural area, meet other safety, mobility, geographic and regional diversity, or economic development criteria; or

11. Encourage multi-state cooperation and corridor development.

Section 5209 of TEA–21 states that projects selected for Commercial Vehicle ITS Deployment Program funding shall:

1. Encourage multistate cooperation on corridor development;

2. Improve the safety of commercial vehicle operation and increase the efficiency of regulatory inspection processes to reduce administrative burdens by advancing technology to facilitate inspections and generally increase the effectiveness of enforcement efforts;

3. Advance electronic processing of registration information, driver licensing information, fuel tax information, inspection and crash data, and other safety information and promote communication of the information among the States; or

4. Enhance the safe passage of commercial vehicles across the United States and across international borders.

V. Limitations on Funding for the ITS Deployment Program

Federal funding authority for the ITS Deployment Program comes from section 5001(a)(6) of the TEA–21. The preliminary applications requested through this solicitation will be for funds that are anticipated to be appropriated for FY 2003. Requests for more detailed proposals from qualified applicants will depend on, and be shaped by, the availability of funds for this program in FY 2003.

Section 5208 of the TEA–21 requires that for metropolitan area ITS Integration Program projects, funding shall be used primarily for activities necessary to *integrate* ITS infrastructure elements that are either deployed (legacy systems) or will be deployed with other sources of funds. The purchase or construction of hardware is not considered an integration activity, and should utilize other sources of funds. For projects outside of metropolitan areas (i.e., statewide or rural areas), the TEA–21 states that funding may be used for integration purposes, as well as for limited deployment of ITS infrastructure components to support integration.

Section 5208 projects of various sizes are eligible. However, the TEA–21 directs that awards shall be limited to $15 million in a single metropolitan area, and $2 million in a single rural area. No more than $35 million shall be awarded within a State. Of the available funding, not less than 10 percent will be available for non-metropolitan areas.

Section 5209 of the TEA–21 does not limit the use of Commercial Vehicle ITS Deployment Program funding for integration versus deployment nor does

it limit the amount of funding that can be awarded to any region or State. The proposed project should support the goals of the Commercial Vehicle ITS Deployment Program, as outlined in section 5209.

VI. Federal Share of Project Costs

The Federal share of the cost of ITS Deployment Program projects shall not exceed 50 percent. Additionally, the total Federal share of the cost of a project payable from all eligible sources shall not exceed 80 percent. The remaining 20 percent of the project cost must be from non-federally derived funding sources. This 20 percent of the project cost must consist of either cash, substantial equipment contributions that are wholly utilized as an integral part of the project, or personnel services dedicated full-time to the proposed integrated deployment for a substantial period, as long as such personnel are not otherwise supported with Federal funds. The non-federally derived funding may come from State, local government, or private sector partners.

Funds provided in addition to the required 20 percent minimum may come from a variety of funding sources, and may include the value of federally-supported projects directly associated with the integration project. Note that funding identified to support continued operations, maintenance, and management of the system will *not* be considered as part of the partnership's cost-share contribution.

VII. Evaluation of Benefits

Independent Evaluations

The FHWA may conduct with non-project funds, independent evaluations of the benefits resulting from specific projects proposed for funding under the ITS Deployment Program. The decision to evaluate the benefits of a specific project will be made on a case-by-case basis, reflecting the information needs of the FHWA. Independent evaluations will be conducted in accordance with the guidelines, provisions, and evaluation funding levels as directed by the TEA–21 and as reflected in the *TEA–21 Evaluation Guidelines*, which can be found at the following Internet site, *http://www.its.dot.gov/EVAL/evalguidelines.html*. The application shall explicitly state that if selected for independent evaluations, the proposed project shall cooperate with the independent evaluators and participate in evaluation planning and progress review meetings to ensure a mutually acceptable, successful implementation of the independent evaluation.

Local Evaluations

To ensure sound management practice, each project shall perform a local evaluation funded from project or other resources. The application shall explicitly state that the proposed project will develop a Local Evaluation Report. The report shall include a general overall assessment of the project, other specific evaluation products, or activities as appropriate, and an executive summary.

VIII. Instructions to ITS Deployment Program Applicants

A preliminary application to participate in the ITS Deployment Program shall contain the following information:

1. An identification of the project partners and other key stakeholders in the proposed project. The proposed partnership should demonstrate, and provide evidence of, a strong commitment to cooperation among agencies, jurisdictions, and, as appropriate, the private sector. Partnerships that include a public safety agency (or agencies) and/or a transit agency (or agencies) are strongly encouraged. For the purposes of this application, MOUs or other formal partnership agreements are not required at this time, but copies of existing MOUs or other partnership agreements should be included with the preliminary application.

2. A very brief listing of existing and planned ITS deployments, and a short description of the project that is proposed for funding to support surface transportation security. The description should clearly identify and describe the security function(s) that will be provided and demonstrate a strong commitment to cooperation among agencies, jurisdictions, and as appropriate, the private sector, on both long-range ITS planning and investment decisions, and short-range operation and management issues. Project proposals should also discuss the degree to which long-term and or day-to-day safety of the surface transportation system will be enhanced, if any. Any other potential operational or other benefits of the proposed project should also be described.

Note: The FHWA has determined that deployment of Commercial Vehicle Information Systems and Networks (CVISN) in a State would enhance transportation security and therefore applications under section 5209 that propose to advance the deployment of CVISN will be considered.

3. For *each* of the TEA–21 selection criteria listed above in section IV, *Criteria for Participation in the ITS Deployment Program*, an assessment of how the proposed project addresses the criteria. Any criteria that are not applicable to the project should be so identified.

4. A brief financial summary that includes:

(a). Project cost;

(b). Matching funds and sources; and

(c). How long term operations and maintenance will be supported.

Preliminary applications to determine qualifications for participation in the ITS Deployment Program may be submitted by partnerships representing large or small metropolitan areas, regional areas, rural areas, statewide or multi-State regions. The proposed projects should meet documented local or State needs, focus on the integration of ITS technologies, and strengthen institutional ties across jurisdictions, modes, and operating agencies.

Because this is a preliminary application, we request that the package not exceed 15 pages in length, including the title page, tables, maps, appendices, abstracts, and other supporting materials. A page is defined as one side of an 8½ by 11 inch paper, with a type font no smaller than 12 point.

Ten copies, plus an electronic copy, in Microsoft Word format, shall be submitted to the FHWA, ITS Joint Program Office, HOIT, 400 Seventh St., SW., Room 3416, Washington, DC 20590. The cover sheet or front page of the preliminary application shall include the name, address, and phone number of an individual to whom correspondence and questions about the preliminary application package may be directed. The application and its contents shall be non-proprietary.

IX. Selection Criteria

Applicants must submit acceptable preliminary application packages that provide sound evidence that the proposed partnership can successfully meet the objectives of the ITS Deployment Program.

The following criteria, in order of importance, will be used in selecting areas for participation in the ITS Deployment Program.

1. Partnerships. The proposed partnership demonstrates and provides historic evidence of a strong commitment to cooperation among agencies, jurisdictions, and, as appropriate, the private sector.

2. Technical Approach. The Technical Approach must address how the proposed deployment and integration of intelligent transportation infrastructure elements into the region's transportation system will further the goal of transportation security. For applications under section 5208 of the TEA–21, the

ITS Integration Program, elements to be considered include: traffic management, transit management, incident management, emergency management services, and regional multi-modal traveler information services. For applications under section 5209 of the TEA–21, the Commercial Vehicle ITS Deployment Program, elements to be considered include: improvements of the safety and productivity of commercial vehicles and drivers, the reduction of costs associated with commercial vehicle operations, and Federal and State commercial vehicle regulatory requirements.

3. TEA–21 Criteria. The application must address how it meets each of the pertinent TEA–21 criteria listed above in section IV, *Criteria for Participation in the ITS Deployment Program.*

4. Financial Summary. The Financial Summary must demonstrate that sufficient funding, including the required matching funds, is available to successfully complete all aspects of the proposed deployment or integration as described in the Technical Plan. The Financial Summary must provide the financial information described under section VIII, *Instructions to Applicants.*

Those preliminary applications that demonstrate an ability to meet the criteria will be considered as potential candidates for funding in FY 2003. The number of applicants funded, if any, will depend on the availability of funding in FY 2003. A more detailed technical proposal and financial plan will be requested prior to approval and receipt of funds.

Authority: 23 U.S.C. 315, secs. 5001(a)(6) and (c)(4), 5208, and 5209, Pub. L. 105—178, 112 Stat. 107, at 419–421 and 458—461 (1998); and 49 CFR 1.48.

Issued on: January 22, 2002.

Mary E. Peters,

FHWA Administrator.

[FR Doc. 02–2091 Filed 1–28–02; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket NHTSA–99–5087]

Safety Performance Standards Program Meeting

AGENCY: National Highway Traffic Safety Administration (DOT)

ACTION: Notice of NHTSA rulemaking status meeting.

SUMMARY: This notice announces a public meeting at which NHTSA will answer questions from the public and the automobile industry regarding the agency's vehicle regulatory program.

DATES: The Agency's regular public meeting relating to its vehicle regulatory program will be held on Thursday, March 14, 2002, beginning at 9:45 a.m. and ending at approximately 12 p.m. at the Best Western Gateway International Hotel, 9191 Wickham, Romulus, Michigan. Questions relating to the vehicle regulatory program must be submitted in writing with a diskette (Microsoft Word) by Wednesday, February 20, 2002, to the address shown below or by e-mail. If sufficient time is available, questions received after February 20, may be answered at the meeting. The individual, group or company submitting a questions(s) does not have to be present for the questions(s) to be answered. A consolidated list of the questions submitted by February 20, 2002, and the issues to be discussed, will be posted on NHTSA's web site *www.nhtsa.dot.gov*) by Monday, March 11, 2002, and also will be available at the meeting. The agency will hold a second public meeting on March 14, devoted exclusively to a presentation of research and development programs. This meeting will begin at 1:30 p.m. and end at approximately 5 p.m. This meeting is described more fully in a separate announcement. The next NHTSA Public Meeting will take place in the Washington, DC metropolitan area on Thursday, July 18, 2002.

ADDRESSES: Questions for the March 14, NHTSA Rulemaking Status Meeting, relating to the agency's vehicle regulatory program, should be submitted to Delia Lopez, NPS–01, National Highway Traffic Safety Administration, Room 5401, 400 Seventh Street, SW., Washington, DC 20590, Fax Number 202–366–4329, E-mail *dlopez@nhtsa.dot.gov*. The meeting will be held at the Best Western Gateway International Hotel, 9191 Wickham, Romulus, Michigan. The telephone number for the Gateway International Hotel is 734–728–2800.

FOR FURTHER INFORMATION CONTACT: Delia Lopez, (202) 366–1810.

SUPPLEMENTARY INFORMATION: NHTSA holds regular public meetings to answer questions from the public and the regulated industries regarding the agency's vehicle regulatory program. Questions on aspects of the agency's research and development activities that relate directly to ongoing regulatory actions should be submitted, as in the past, to the agency's Safety Performance Standards Office. Transcripts of these meetings will be available for public inspection in the DOT Docket in Washington, DC, within four weeks after the meeting. Copies of the transcript will then be available at ten cents a page, (length has varied from 80 to 150 pages) upon request to DOT Docket, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. The DOT Docket is open to the public from 10 a.m. to 5 p.m. The transcript may also be accessed electronically at *http://dms.dot.gov*, at docket NHTSA–99–5087. Questions to be answered at the public meeting should be organized by categories to help us process the questions into an agenda form more efficiently.

Sample format:

I. RULEMAKING
  A. Crash avoidance
  B. Crashworthiness
  C. Other Rulemakings
II. CONSUMER INFORMATION
III. MISCELLANEOUS

NHTSA will provide auxiliary aids to participants as necessary. Any person desiring assistance of ''auxiliary aids'' (e.g., sign-language interpreter, telecommunications devices for deaf persons (TDDs), readers, taped texts, brailled materials, or large print materials and/or a magnifying device), please contact Delia Lopez on (202) 366–1810, by COB Monday, March 11, 2002.

Issued: January 23, 2002.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 02–2083 Filed 1–28–02; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34162]

Delaware-Lackawanna Railroad Co., Inc.—Change in Operators Exemption—Lackawanna County Railroad Authority

Delaware-Lackawanna Railroad Co., Inc. (D–L), a Class III rail carrier,[1] has

[1] According to D–L, it presently operates a 58-mile line of railroad between Fell Township and Mount Pocono, PA; a 17-mile line of railroad between Mount Pocono and Analomink, PA; the Diamond Branch of the former Delaware, Lackawanna & Western Railroad (DL&W) extending 0.85 miles from MP 144.75 to MP 145.6 in Scranton, Lackawanna County, PA; the Laurel Line of the former DL&W extending 4.11 miles from LC 6253 MP 0.7 to MP 4.81 at Montage Road in the Borough of Moosic, Lackawanna County, PA; and 10 miles of rail line between MP 2.0, approximately old MP 74.4 (Slate) and MP 12.2, approximately old MP 84.6 (Gravel) in Monroe and Northampton Counties, PA.

filed a verified notice of exemption under 49 CFR 1150.41 to operate 1.5 miles of rail line to be acquired by Lackawanna County Railroad Authority (LCRA). The line, known as the Minooka Industrial Track, has been operated by Luzerne and Susquehanna Railway Company (L&S), and extends from Little Virginia Junction to the Davis Street Crossing.

This transaction is related to a simultaneously filed verified notice of exemption in STB Finance Docket No. 34161, *Lackawanna County Railroad Authority—Acquisition Exemption—Scranton Lackawanna Industrial Building Company,* wherein LCRA seeks to acquire the involved line.

The parties reported that they intended to consummate the transaction on or about January 10, 2002.[2]

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34162, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Keith G. O'Brien, REA, CROSS & AUCHINCLOSS, 1707 L Street, NW., Suite 570, Washington, DC 20036.

Board decisions and notices are available on our Web site at *www.stb.dot.gov.*

Decided: January 22, 2002.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 02–2038 Filed 1–28–02; 8:45 am]

BILLING CODE 4915–00–P

[2] D–L states that, upon consummation, L&S, the current operator of the line, will cease all operations on the line and that shippers on the line have been notified of the change in operator.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34161]

Lackawanna County Railroad Authority—Acquisition Exemption—Scranton Lackawanna Industrial Building Company

Lackawanna County Railroad Authority (LCRA), a political subdivision and nonoperating Class III rail carrier,[1] has filed a verified notice of exemption under 49 CFR 1150.41 to acquire 1.5 miles of track in Lackawanna County, PA, from Scranton Lackawanna Industrial Building Company.[2] The line, known as the Minooka Industrial Track, extends from Little Virginia Junction to the Davis Street Crossing.

This transaction is related to a simultaneously filed verified notice of exemption in STB Finance Docket No. 34162, *Delaware-Lackawanna Railroad Co., Inc.—Change in Operators Exemption—Lackawanna County Railroad Authority.*

The parties reported that they intended to consummate the transaction on or about January 10, 2002.

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34161, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Keith G. O'Brien, REA, CROSS & AUCHINCLOSS, 1707 L Street, NW., Suite 570, Washington, DC 20036.

Board decisions and notices are available on our Web site at www.stb.dot.gov.

Decided: January 22, 2002.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 02–2037 Filed 1–28–02; 8:45 am]

BILLING CODE 4915–00–P

[1] According to LCRA, it currently owns a 58-mile line of railroad between Fell Township and Mount Pocono, PA; the Diamond Branch of the former Delaware, Lackawanna & Western Railroad (DL&W) extending 0.85 miles from MP 144.75 to MP 145.6 in Scranton, Lackawanna County, PA; and the Laurel Line of the former DL&W extending 4.11 miles from LC 6253 MP 0.7 to MP 4.81 at Montage Road in the Borough of Moosic, Lackawanna County, PA.

[2] As indicated in the verified notice of exemption, the operator of the line at the time of the filing of the notice was Luzerne and Susquehanna Railway Company (L&S) pursuant to a license agreement scheduled to expire on January 10, 2002. Upon expiration of that license, L&S will discontinue its operations and will be replaced by Delaware-Lackawanna Railroad Co., Inc. (D–L).

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

January 18, 2002.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before February 28, 2002, to be assured of consideration.

Bureau of the Public Debt (PD)

OMB Number: New.

Form Number: PD F 5441.

Type of Review: New collection.

Title: U.S. Treasury Auctions Submitter Agreement.

Description: PD F 5441 is used to request information from entities wishing to participate in U.S. Treasury Securities Auctions via TAPPSLink.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 1,000.

Estimated Burden Hours Per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden Hours: 80 hours.

Clearance Officer: Vicki S. Thorpe (304) 480–6553, Bureau of the Public Debt, 200 Third Street, Parkersburg, West VA 26106–1328

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503

Mary A. Able,

Departmental Reports Management Officer.

[FR Doc. 02–2132 Filed 1–28–02; 8:45 am]

BILLING CODE 4810–40–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms 1042, 1042–S, and 1042–T

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 1042, Annual Withholding Tax Return for U.S. Source Income of Foreign Persons, Form 1042–S, Foreign Person's U.S. Source Income Subject to Withholding, and Form 1042–T, Annual Summary and Transmittal of Forms 1042–S.

DATES: Written comments should be received on or before April 1, 2002 to be assured of consideration.

ADDRESSES: Direct all written comments to George Freeland, Internal Revenue Service, room 5577, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622–3945, or through the internet (*CAROL.A.SAVAGE@irs.gov.),* Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Form 1042, Annual Withholding Tax Return for U.S. Source Income of Foreign Persons, Form 1042–S, Foreign Person's U.S. Source Income Subject to Withholding, and Form 1042–T, Annual Summary and Transmittal of Forms 1042–T.

OMB Number: 1545–0096.

Form Numbers: 1042, 1042–S, and 1042–T.

Abstract: Form 1042 is used by withholding agents to report tax withheld at source on payment of certain income paid to nonresident alien individuals, foreign partnerships, or foreign corporations. The IRS uses this information to verify that the correct amount of tax has been withheld and paid to the United States. Form 1042–S is used to report certain income and tax withheld information to nonresident alien payees and beneficial owners. Form 1042–T is used by withholding agents to transmit Forms 1042–S to the IRS.

Current Actions: There are no changes being made to these forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for profit organizations and individuals or households.

Estimated Number of Respondents: 22,000.

Estimated Time Per Respondent: 46 hours., 52 minutes.

Estimated Total Annual Burden Hours: 1,030,980.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 22, 2002.

George Freeland,

IRS Reports Clearance Officer.

[FR Doc. 02–2156 Filed 1–28–02; 8:45 am]

BILLING CODE 4830–01–P

Notices

Federal Register

Vol. 67, No. 19

Tuesday, January 29, 2002

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Advisory Committee on Biotechnology and 21st Century Agriculture; Nominations

AGENCY: Office of the Under Secretary, Research, Education, and Economics, USDA.

ACTION: Advisory Committee on Biotechnology and 21st Century Agriculture; nominations.

SUMMARY: The Agricultural Research Service is requesting nominations for qualified persons to serve as members of the Secretary's Advisory Committee on Biotechnology and 21st Century Agriculture (ACBTCA).

DATES: Written nominations must be received by fax or postmarked on or before February 28, 2002.

ADDRESSES: All nomination materials should be sent to Michael Schechtman, Designated Federal Official, Office of the Deputy Secretary, USDA, 202B Jamie L. Whitten Federal Building, 14th and Independence Avenue, SW, Washington, DC 20250. Forms may also be submitted by fax to (202) 690–4265.

FOR FURTHER INFORMATION CONTACT: Questions should be addressed to Michael Schechtman, Designated Federal Official, telephone (202) 720–3817; fax (202) 690–4265; email *mschechtman@ars.usda.gov.* To obtain form AD–755 ONLY please contact Vanessa Simon, Office of Pest Management Policy, telephone (202) 690–8647, fax (202) 690–4265; email *vsimon@ars.usda.gov.*

SUPPLEMENTARY INFORMATION:

Advisory Committee Purpose: USDA supports the responsible development and application of biotechnology within the global food and agricultural system. Biotechnology intersects many of the policies, programs and functions of USDA. The charge for the ACBCTA shall be two-fold: to examine the long-term impacts of biotechnology on the U.S. food and agriculture system and USDA; and to provide guidance to USDA on pressing individual issues, identified by the Office of the Secretary, related to the application of biotechnology in agriculture. The ACBTCA replaces the USDA Advisory Committee on Agricultural Biotechnology. The ACBTCA will meet in Washington, DC, up to four (4) times per year.

Membership: Members of the ACBTCA should have recognized expertise in one or more of the following areas: recombinant-DNA (rDNA) research and applications using plants; rDNA research and applications using animals; rDNA research and applications using microbes; food science; silviculture and related forest science; fisheries science; ecology; veterinary medicine; the broad range of farming or agricultural practices; weed science; plant pathology; biodiversity; applicable laws and regulations relevant to agricultural biotechnology policy; risk assessment; consumer advocacy and public attitudes; public health/epidemiology; ethics, including bioethics; human medicine; biotechnology industry activities and structure; intellectual property rights systems; and international trade. Members will be selected by the Secretary of Agriculture in order to achieve a balanced representation of viewpoints to address effectively USDA biotechnology policy issues under consideration.

Nominations for ACBTCA membership must be in writing and provide the appropriate background documents required by USDA policy, including background disclosure form AD–755. Neither the form nor the information it contains may be released to the public, except as authorized by law.

No member may serve on the ACBTCA for more than six consecutive years. Nominees will initially serve for terms of 1 or 2 years for purposes of continuity.

Members of the ACBTCA and its subcommittees shall serve without pay, but with reimbursement of travel expenses and per diem for attendance at ACBTCA and subcommittee functions for those ACBTCA members who require assistance in order to attend the meetings. While away from home or their regular place of business, those members will be eligible for travel expenses paid by REE, USDA, including per diem in lieu of subsistence, at the same rate as a person employed intermittently in the government service is allowed under Section 5703 of Title 5, United States Code.

Submitting Nominations: Nominations should be typed and include the following:

1. A brief summary of no more than two (2) pages explaining the nominee's suitability to serve on the ACBTCA.
2. A resume or curriculum vitae.
3. A completed copy of form AD–755.

Nominations should be sent to Michael Schechtman at the address listed above, and be post marked no later than February 28, 2002.

USDA is actively soliciting nominations of qualified minorities, women, persons with disabilities and members of low income populations. To ensure that recommendations of the ACBTCA take into account the needs of underserved and diverse communities served by the USDA, membership shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

Dated: January 18, 2002.

Joseph Jen,

Under Secretary for Research, Education and Economics.

[FR Doc. 02–2135 Filed 1–28–02; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 01–047N]

Codex Alimentarius Commission: 34th Session of the Codex Committee on Food Additives and Contaminants

AGENCY: Office of the Under Secretary for Food Safety, USDA.

ACTION: Notice of public meeting, request for comments.

SUMMARY: The Office of the Under Secretary for Food Safety, U.S. Department of Agriculture (USDA), and the Food and Drug Administration (FDA), are sponsoring a public meeting on February 4, 2002, to provide information and receive public

comments on agenda items that will be discussed at the meeting of the Codex Committee on Food Additives and Contaminants (CCFAC), which will be held in Rotterdam, The Netherlands, on March 11–15, 2002. The Under Secretary and FDA recognize the importance of providing interested parties the opportunity to obtain background information on the Thirty-fourth Session of the Additives and Contaminants Committee of the Codex Alimentarius Commission (Codex) and to address items on the Agenda for the 34th CCFAC.

DATES: The public meeting is scheduled for Monday, February 4th, 2002, from 1 p.m. to 4 p.m.

ADDRESSES: The public meeting will be held in Room 1409, FOB 8, 200 C. St. SW., Washington, DC. To receive copies of the documents referenced in the notice contact the FSIS Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, Room 102, Cotton Annex, 300 12th Street, SW, Washington, DC 20250–3700. The documents will also be accessible via the World Wide Web at the following address: *http://www.codexalimentarius.net/ccfac34/fa02—01e.htm.* If you have comments, please send an original and two copies to the FSIS Docket Room, Docket #01–047N. All comments submitted will be available for public inspection in the Docket Clerk's Office between 8:30 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Patrick J. Clerkin, Associate U.S. Manager for Codex, U.S. Codex Office, FSIS Room 4861, South Building, 1400 Independence Avenue S.W., Washington, DC 20250–3700, telephone: (202) 205–7760, Fax: (202) 720–3157. Persons requiring a sign language interpreter or other special accommodations should notify Mr. Patrick J. Clerkin at the above telephone number.

SUPPLEMENTARY INFORMATION:

Background

Codex was established in 1962 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Codex is the major international organization for protecting the health and economic interests of consumers and encouraging fair international trade in food. Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to ensure that the world's food supply is sound, wholesome, free from adulteration, and correctly labeled. In the United States, USDA, FDA, and EPA manage and carry out U.S. Codex activities.

The Codex Committee on Food Additives and Contaminants establishes or endorses maximum or guideline levels for individual food additives, for contaminants (including environmental contaminants) and for naturally occurring toxicants in foodstuffs and animal feeds. In addition, the Committee prepares priority lists of food additives and contaminants for toxicological evaluation by the Joint FAO/WHO Expert Committee on Food Additives; recommends specifications of identity and purity for food additives for adoption by the Commission; considers methods of analysis and sampling for the determination of food additives and contaminants in food; and considers and elaborates standards or codes for related subjects such as the labelling of food additives when sold as such, and food irradiation. The Committee is chaired by The Netherlands.

Issues To Be Discussed at the Public Meeting

The provisional agenda items will be discussed during the public meeting:

1. Adoption of the Agenda (CX/FAC 02/1)
2. Matters referred by the Codex Alimentarius Commission and other Codex Committees (CX/FAC 02/2)
3. Summary Report of the 57th Meeting of the Joint FAO/WHO Expert Committee on Food Additives (JECFA)
4. Action Required as a Result of Changes in ADI Status and other Toxicological Recommendations (CX/FAC 02/3)
5. Discussion Paper on the Application of Risk Analysis Principles for Food Additives and Contaminants (CX/FAC 02/4)

Food Additives

1. Endorsement and/or Revision of Maximum Levels for Food Additives in Codex Standards (CX/FAC 02/5)
2. Discussion Paper on the Relationship Between Codex Commodity Standards and the Codex General Standard for Food Additives, including Consideration of the Food Category System (CX/FAC 02/6)
3. Consideration of the Codex General Standard for Food Additives (GSFA) (CX/FAC 02/7 and CX/FAC 02/8)
4. Discussion Paper on the Processing Aids and Carriers (CX/FAC 02/9)
5. Discussion Paper on the Use of Active Chlorine (CX/FAC 02/10)
6. Draft Revised Codex General Standard for Irradiated Foods (CX/FAC 02/11)
7. Proposed Draft Revised Recommendation for International Code of Practice for Radiation Processing of Food (CX/FAC 02/12)
8. Specifications for the Identity and Purity of Food Additives Arising from the 57th JECFA Meeting (CX/FAC 02/13)
9. Proposed Amendments to the International Numbering System (CX/FAC 02/14)

Contaminants

1. Endorsement and/or Revision of Maximum Levels for Contaminants in Codex Standards (CX/FAC 02/15)
2. Codex General Standard for Contaminants and Toxins in Foods (CX/FAC 02/16)
3. Proposed Draft Principles for Exposure Assessment of Contaminants and Toxins in Foods (CX/FAC 02/17)
4. Mycotoxins in Food and Feed
   (a) Draft Maximum Levels for Ochratoxin A in Wheat, Barley and Rye and Derived Products (CX/FAC 02/18)
   (b) Draft Maximum levels for Patulin in Apple Juice and Apple Juice Ingredients in Other Beverages (CX/FAC 02/19)
   (c) Proposed Draft Code of Practice for the Prevention of Patulin Contamination in Apple Juice and Apple Juice Ingredients in Other Beverages (CX/FAC 02/20)
   (d) Proposed Draft Code of Practice for the Prevention of Mycotoxin Contamination in Cereals, Including Annexes on Ochratoxin A, Zearalenone, Fumonisin and Tricothecenes (CX/FAC 02/21)
   (e) Discussion Paper on Aflatoxins in Pistachios (CX/FAC 02/22)
5. Industrial and Environmental Contaminants in Foods
   (a) Draft Maximum Levels for Lead in Fish, Crustaceans, and Bivalve Molluscs (CX/FAC 01/23)
   (b) Proposed Draft Maximum Levels for Cadmium (CX/FAC 01/24)
   (c) Proposed Draft Maximum Levels for Tin (CX/FAC 02/25)
   (d) Position Paper on Dioxins and Dioxin Like PCBs, including Methods of Analysis (CX/FAC 02/26)
   (e) Proposed Draft Code of Practice for Source Directed Measures to Reduce Dioxin and Dioxin Like PCB Contamination of Foods (CX/FAC 02/27)
   (f) Position Paper on Chloropropanols (CX/FAC 02/28)
   (g) Discussion Paper on Dexoynivalenol (CX/FAC 02/29)

General Issues

1. Proposals for Priority Evaluation of Food Additives and Contaminants by JECFA (CX/FAC 02/30)
2. Other Business and Future Work

(a) Comments on Methods of Analysis and Sampling for the Determination of Food Additives and Contaminants in Foods (CX/FAC 02/31)

Each issue listed will be fully described in documents distributed, or to be distributed, by The Netherlands' Secretariat to the Meeting. Members of the public may access or request copies of these documents (see **ADDRESSES**).

Public Meeting

At the February 4th public meeting, the agenda items will be described, discussed, and attendees will have the opportunity to pose questions and offer comments. Comments may be sent to the FSIS Docket Room (see **ADDRESSES**). Written comments should state that they relate to activities of the 34th CCFAC.

Additional Public Notification

Pursuant to Departmental Regulation 4300–4, ''Civil Rights Impact Analysis,'' dated September 22, 1993, FSIS has considered the potential civil rights impact of this notice on minorities, women, and persons with disabilities. Therefore, to better ensure that these groups and others are made aware of this meeting, FSIS will announce it and provide copies of the **Federal Register** publication in the FSIS Constituent Update.

The Agency provides a weekly FSIS Constituent Update, which is communicated via fax to over 300 organizations and individuals. In addition, the update is available on line through the FSIS web page located at *http://www.fsis.usda.gov*. The update is used to provide information regarding Agency policies, procedures, regulations, **Federal Register** Notices, FSIS public meetings, recalls and any other types of information that could affect or would be of interest to our constituents/stakeholders. The constituent fax list consists of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals and other individuals that have requested to be included. Through these various channels, the Agency is able to provide information with a much broader, more diverse audience.

For more information and to be added to the constituent fax list, fax your request to the Office of Congressional and Public Affairs, at (202) 720–5704.

Done at Washington, DC on: January 23, 2002.

F. Edward Scarbrough,

U.S. Manager for Codex Alimentarius.

[FR Doc. 02–2134 Filed 1–28–02; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Notice of Proposed Change to Section IV of the Field Office Technical Guide (FOTG) of the Natural Resources Conservation Service in Louisiana

AGENCY: Natural Resources Conservation Service (NRCS), Department of Agriculture.

ACTION: Notice of availability of proposed changes in the NRCS National Handbook of Conservation Practices for review and comment.

SUMMARY: It is the intention of the NRCS in Louisiana to issue revised conservation practice standard: Deep Tillage (324), Conservation Cover (327), Conservation Crop Rotation (328), Cover Crop (340), Residue Management, Seasonal (344), Field Border (386), Riparian Forest Buffer (391), Filter Strip (393), Pest Management (595), and Wetland Enhancement (659).

DATES: Comments will be received for a 30-day period commencing with this date of publication.

FOR FURTHER INFORMATION CONTACT: Inquire in writing to Donald W. Gohmert, State Conservationist, Natural Resources Conservation Service (NRCS), 3737 Government Street, Alexandria, Louisiana 71302. Copies of the practice standards will be made available upon written request.

SUPPLEMENTARY INFORMATION: Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 states that revisions made after enactment of the law to NRCS State Technical Guides used to carry out highly erodible land and wetland provisions of the law shall be made available for public review and comment. For the next 30 days the NRCS in Louisiana will receive comments relative to the proposed changes. Following that period a determination will be made by the NRCS in Louisiana regarding disposition of those comments and a final determination of change will be made.

Dated: January 7, 2002.

Donald W. Gohmert,

State Conservationist, USDA, Natural Resources Conservation Service, Alexandria, Louisiana 71302.

[FR Doc. 02–2136 Filed 1–28–02; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Producing Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration (EDA), Commerce.

ACTION: To give all interested parties an opportunity to comment. Petitions have been accepted for filing on the dates indicated from the firms listed below.

LIST OF PETITION ACTION BY TRADE ADJUSTMENT ASSISTANCE FOR PERIOD DECEMBER 21, 2001—JANUARY 15, 2002

Firm name	Address	Date petition accepted	Product
ASI Technologies, Inc	405 Caaredean Dr. Horsham, PA 19044	12/21/01	Acid free uncoated paper sheets.
Pulp and Paper of America, L.L.C	650 Main Street Berlin, NH 035570	12/26/01	Gear drives used in the health care industry for wheel chairs and scooters.
Jananna Foods, Inc	1900 East Highway 31 Kilgore, TX 75663	12/27/01	Salsa.
Beehler Corporation	1401 Industrial Park Drive Mountain Grove, MO 65711.	12/28/01	Metal hardware, steel luggage clasps, hinges and case brackets.
Claude Howard Lumber Co., Inc	600 Park Avenue Statesboro, GA 30459	01/02/02	Lumber.
Dlugosh Store Fixtures, Inc	900 Aladdin Avenue San Leandro, CA 94577.	01/02/02	Custom store fixtures.
DiCicco Nurseries, Inc. d.b.a. Watsonville Nurseries.	110 Whiting Road Watsonville, CA 95076	01/02/02	Roses.

LIST OF PETITION ACTION BY TRADE ADJUSTMENT ASSISTANCE FOR PERIOD DECEMBER 21, 2001—JANUARY 15, 2002—Continued

Firm name	Address	Date petition accepted	Product
Hollywood Plastics Engineering Company	620 Arroyo Avenue San Fernando, CA 91340.	01/02/02	Plastic injection molding of precision parts, i.e., hypodermic syringes and specially knives.
Rigidized Metals Corporation	658 Ohio Street Buffalo, NY 14203	01/15/02	Textures metal sheets.
Dinosaw, Inc	340 Hudson Avenue Hudson, NY 12534	01/15/02	Cutting tools servicing the wood, plastic and metal cutting industries.

The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (19 U.S.C. 2341). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by Trade Adjustment Assistance, Room 7315, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance.

Dated: January 18, 2002.

Anthony J. Meyer,

Coordinator, Trade Adjustment and Technical Assistance.

[FR Doc. 02–2085 Filed 1–28–02; 8:45 am]

BILLING CODE 3510–24–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of initiation of antidumping and countervailing duty administrative reviews.

SUMMARY: The Department of Commerce (the Department) has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with December anniversary dates. In accordance with our regulations, we are initiating those administrative reviews.

EFFECTIVE DATE: January 29, 2002.

FOR FURTHER INFORMATION CONTACT: Holly A. Kuga, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482–4737.

SUPPLEMENTARY INFORMATION:

Background

The Department has received timely requests, in accordance with 19 CFR 351.213(b)(2000), for administrative reviews of various antidumping and countervailing duty orders and findings with December anniversary dates.

Initiation of Reviews

In accordance with section 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than December 31, 2002.

	Period to be reviewed
Antidumping Duty Proceedings	
Chile: Certain Preserved Mushrooms, A–337–804	12/1/00–11/30/01
Nature's Farm Products (Chile) S.A.	
Ravine Foods	
Compania Envasadora del Atlantico	
India: Stainless Steel Wire Rod, A–533–808	12/1/00–11/30/01
Isibars Limited	
Mukand, Limited	
Panchmahal Steel Limited	
Viraj Group, Ltd.	
Mexico: Porcelain-On-Steel Cooking Ware, A–201–504	12/1/00–11/30/01
Cinsa, S.A. de C.V.	
Esmaltaciones de Norte America, S.A. de C.V.	
The People's Republic of China: Certain Cased Pencils,[1] A–570–827	12/1/00–11/30/01
Tianjin Customs Wood Processing Co., Ltd.	
China First Pencil Company, Ltd.	
Orient International Holding Shanghai Foreign Trade Co., Ltd.	
Countervailing Duty Proceedings	
None.	

	Period to be reviewed
Suspension Agreements	
None.	

[1] If one of the above named companies does not qualify for a separate rate, all other exporters of certain cased pencils from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under section 351.211 or a determination under section 351.218(f)(4) to continue an order or suspended investigation (after sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)), and 19 CFR 351.221(c)(1)(i).

Dated: January 22, 2002.

Holly A. Kuga,

Senior Office Director, Group II, Office 4, Import Administration.

[FR Doc. 02–2139 Filed 1–28–02; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–820]

Preliminary Results of Five-Year Sunset Review of Suspended Antidumping Duty Investigation: Fresh Tomatoes From Mexico

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice of preliminary results of full sunset review: fresh tomatoes from Mexico.

SUMMARY: On October 1, 2001, the Department of Commerce (''the Department'') initiated a five-year (''sunset'') review of the suspended antidumping duty investigation on fresh tomatoes from Mexico (66 FR49926) pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). On the basis of notice of intent to participate filed on behalf of domestic interested parties, and substantive comments filed on behalf of the domestic and respondent interested parties, the Department is conducting a full (240-day) sunset review of this suspended antidumping duty investigation. As a result of this review, the Department preliminarily finds that termination of the suspended antidumping duty investigation on fresh tomatoes from Mexico would be likely to lead to continuation or recurrence of dumping at the levels indicated in the Preliminary Results of Review section of this notice.

EFFECTIVE DATE: January 29, 2002.

FOR FURTHER INFORMATION CONTACT: James P. Maeder or Martha V. Douthit, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–3330 or (202) 482–5050, respectively.

SUPPLEMENTARY INFORMATION:

Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (''the Act''), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department regulations are to 19 CFR part 351 (2001). Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department Policy Bulletin 98:3 Policies Regarding the Conduct of Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin, 63 FR 18871 (April 16, 1998) (Sunset Policy Bulletin).

Scope of Review

The products covered by the sunset review of the suspension agreement on fresh tomatoes from Mexico include all fresh or chilled tomatoes (fresh tomatoes) except for cocktail tomatoes and those tomatoes which are for processing. For purposes of this review, cocktail tomatoes are greenhouse-grown tomatoes, generally larger than cherry tomatoes and smaller than roma or common round tomatoes, and are harvested and packaged on-the-vine for retail sale. For purposes of this review, processing is defined to include preserving by any commercial process, such as canning, dehydrating, drying or the addition of chemical substances, or converting the tomato product into juices, sauces or purees. Further, imports of fresh tomatoes for processing are accompanied by an ''Importer's Exempt Commodity Form'' (FV-6) (within the meaning of 7 CFR section 980.501(a)(2) and 980.212(i)). Fresh tomatoes that are imported for cutting up, not further processed (e.g., tomatoes used in the preparation of fresh salsa or salad bars), and not accompanied by an FV–6 form are covered by the scope of this review. All commercially grown tomatoes sold in the United States, both for the fresh market and for processing, are classified as Lycopersicon esculentum. Important commercial varieties of fresh tomatoes include common round, cherry, plum, and pear tomatoes, all of which, with the exception of cocktail tomatoes, are covered by this review. Tomatoes imported from Mexico covered by this review are classified under the following subheadings of the Harmonized Tariff Schedules of the United States (HTS), according to the season of importation: 0702.00.20, 0702.00.40, 0702.00.60, and 9906.07.01 through 9906.07.09. Although the HTS numbers are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

History of Suspension Agreement

On April 18, 1996, the Department initiated an antidumping duty investigation under section 732 of the Tariff Act of 1930 (''the Act'') on fresh tomatoes from Mexico. *See Initiation of Antidumping Duty Investigation: Fresh Tomatoes From Mexico,* 61 FR 18377 (April 25, 1996). On October 28, 1996, the Department preliminarily

determined that imports of fresh tomatoes from Mexico were being sold in the United States at less than fair value. In the preliminary determination of the investigation, the Department calculated weighted-average dumping margins of 4.16 percent for San Vincente Camalu (''Camalu''), 11.89 percent for Ernesto Fernando Echavarria Salazar Grupo Solidario (''Echavarria''), 26.97 percent for Arturo Lomeli Villalobas S.A. de C. V. (''Lomeli''), 188.45 percent for Eco Cultivos, S.A. de C.V. (''Eco-Cultivos''), 10.26 percent for Ranchos Los Pinos S. de R.L. de C.V. (''RLP''), 28.30 percent for Administradora Horticola Del Tamazula (''Tamazula''), 11.95 percent for Agricola Yory (''Yory''), and 17.56 percent for ''all other'' Mexican producers and exporters of the subject merchandise. On that same day, the Department and the signatory producers/exporters of fresh tomatoes from Mexico signed the final suspension agreement (the ''Agreement'') and which was published in the **Federal Register** concurrently. *Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination* (61 FR 56618) and *Suspension of Antidumping Investigation on Fresh Tomatoes from Mexico* (63 FR 43674). On August 14, 1998, the Department published the only amendment to the Agreement. *See Amendment to the Suspension Agreement on Fresh Tomatoes from Mexico,* 63 FR 43674 (April 14, 1998). The Agreement remains in effect for all producers and exporters of fresh tomatoes from Mexico who are signatories of the agreement.

Background

On October 1, 2001, the Department initiated a sunset review of the suspended antidumping duty investigation on fresh tomatoes from Mexico, pursuant to section 751(c) of the Act. *See Notice of Initiation of Five-Year (Sunset) Review,* 66 FR 49926 (October 1, 2001). On October 16, 2001, the Department received Notice of Intent to Participate on behalf of the Florida Commissioner of Agriculture, the Florida Tomato Growers Exchange (''FTGE''), the Florida Tomato Exchange (''FTE''), the California Fresh Tomato Growers Exchange (''CFTGE''), the Florida Fruit and Vegetable Association (''FFVA''), the South Carolina Tomato Association (''SCTA''), the Gadsden County Tomato Growers Association (''GCTGA''), the Quincy Tomato Growers Exchange (''QTGE''), and Eurofresh (collectively, ''domestic interested parties''), within the applicable deadline specified in section 351.218(d)(1)(i) of the *Sunset Regulations. See* Letters of Domestic Interested Parties, Notice of Intent to Participate—Sunset Review of the Suspension Agreement on Fresh Tomatoes from Mexico, October 16, 2001. Domestic interested parties claimed interested-party status under sections 771(9)(E), 771(9)(F), and 771(9)(C) of the Act. *See* Domestic Interested Party's Notice of Intent to Participate, October 16, 2001, at 2–4. In addition, domestic interested parties assert that they are not related to a foreign producer/exporter and are not importers, or related to importers, of the subject merchandise. *Id.* 5–7. On October 31, 2001, the Department received a complete substantive response from the domestic interested parties within the 30-day deadline specified in the *Sunset Regulations* under section 351.218(d)(3)(i). On October 31, 2001, the Department received a complete substantive response to the notice of initiation in the five-year sunset review from respondent interested parties: Confederacion de Asociaciones de Agricolas del Estado de Sinaloa and the Confederation Nacional de Productores de Hortalizas (collectively ''CAADES''). CAADES asserts that it participated fully in the original investigation and works closely with its members as well as with additional members who elected to submit voluntary responses. *See* CAADES, substantive response at 3. In addition, CAADES states that it worked closely with the Department to negotiate the suspension agreement and has met on a regular basis with the Department to discuss implementing, monitoring, and improving the agreement. Id. CAADES claimed interested-party status under section 771(9)(A) of the Act as a Mexican confederation, the majority of whose members grow and/or export tomatoes. On November 5, 2001, CAADES requested an extension of the deadline for filing rebuttal to the substantive responses. On that same day, the Department extended the deadline until November 7, 2001, for all participants eligible to file rebuttal comments.

In a sunset review, the Department normally will conclude that there is adequate response to conduct a full sunset review where respondent interested parties account for more than 50 percent, by volume, of total exports of subject merchandise to the United States. *See,* 19 CFR 351.218(e)(1)(ii)(A) (63 FR 13516 (March 20, 1998)). After examining CAADES's total exports of the subject merchandise, on November 20, 2001, the Department determined that CAADES accounted for more than 50 percent total production of the domestic like product. *See* November 20, 2001, Letter from Jeffrey A. May, Director, Office of Policy, Import Administration, to Lynn Featherstone, Director, Office of Investigations, International Trade Commission. Because the response of CAADES constituted an adequate response to the notice of initiation, the Department is conducting a full (240-day) sunset review in accordance with section 751(c)(3)(B) of the Act, and 19 CFR 351.218(e)(1)(i) and will issue final results of review not later than May 29, 2002.

Analysis of Comments Received

All issues raised by parties to this sunset review are addressed in the Issues and Decision Memorandum (''Decision Memorandum'') from Jeffrey A. May, Director, Office of Policy, Import Administration, to Faryar Shirzad, Assistant Secretary for Import Administration, dated January 22, 2002, which is adopted by this notice. The issues discussed in the Decision Memorandum include the likelihood of continuation or recurrence of dumping and the magnitude of the margins likely to prevail were the Agreement terminated. Parties may find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room B–099, of the main Commerce building. In addition, a complete version of the Decision Memorandum may be accessed directly on the Web at *http://ia.ita.doc.gov/frn,* under the heading ''January 2002.'' The paper copy and electronic version of the Decision Memorandum are identical in content.

Preliminary Results of Review

We preliminarily determine that termination of the suspended antidumping duty investigation on fresh tomatoes from Mexico would be likely to lead to continuation or recurrence of dumping at the following percentage weighted-average margins:

Manufacturer/exporters	Weighted-average margin percentage
Camalu	4.16
Echavarria	11.89
Lomeli	26.97
Eco-Cultivos	188.45
RLP	10.26
Tamazula	28.30
Yory	11.95
All Others	17.56

Any interested party may request a hearing within 30 days of publication of this notice in accordance with 19 CFR 351.310(c). Interested parties may submit case briefs no later than March 11, 2002, in accordance with 19 CFR 351.309(c)(1)(i). Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than March 15, 2002. Any hearing, if requested, will be held on March 18, 2002, in accordance with 19 CFR 351.310(d). The Department will issue a notice of final results of this sunset review, which will include the results of its analysis of issues raised in any such, no later than May 29, 2002.

This sunset review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: January 22, 2002.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 02–2138 Filed 1–28–02; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Government-Owned Inventions Available for Licensing

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of Government-owned inventions available for licensing.

SUMMARY: The invention listed below is jointly owned in by the U.S. Government, as represented by the Department of Commerce and Harvard University. The Department of Commerce's interest in the invention is available for exclusive or non-exclusive licensing in accordance with 35 U.S.C. 207 and 37 CFR part 404 to achieve expeditious commercialization of results of federally funded research and development.

FOR FURTHER INFORMATION CONTACT: Technical and licensing information on this invention may be obtained by writing to: National Institute of Standards and Technology, Office of Technology Partnerships, Building 820, Room 213, Gaithersburg, MD 20899; Fax 301–869–2751. Any request for information should include the NIST Docket number and title for the relevant invention as indicated below.

SUPPLEMENTARY INFORMATION: The invention available for licensing is:

NIST Docket Number: 95–040CIP

Title: Characterization of Individual Polymer Molecules Based on Monomer-Interface Interactions

Abstract: A method for sequencing a nucleic acid polymer by (1) providing two separate, adjacent pools of a medium and an interface between the two pools, the interface having a channel so dimensioned as to allow sequential monomer-by-monomer passage from one pool to other pool of only one nucleic acid polymer at a time; (2) placing the nucleic acid polymer to be sequenced in one of the two pools; and (3) taking measurements as each of the nucleotide monomers of the nucleic acid polymer passes through the channel so as to sequence the nucleic acid polymer.

Dated: January 22, 2002.

Karen H. Brown,

Deputy Director.

[FR Doc. 02–2074 Filed 1–28–02; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 011402C]

Marine Mammals; File No. 1018–1655–00

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

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that Luciana Moller, Ph.D., Department of Ecology and Evolutionary Biology, Yale University, New Haven, Connecticut 06520 has been issued a permit to import tissue samples taken from bottlenose dolphins (*Tursiops aduncus*) in Australia for purposes of scientific research.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 713–2289; fax (301) 713–0376;

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930–2298; phone (978) 281–9200; fax (978) 281–9371.

FOR FURTHER INFORMATION CONTACT: Amy Sloan or Lynne Barre (301) 713–2289.

SUPPLEMENTARY INFORMATION: On November 14, 2001, notice was published in the **Federal Register** (66 FR 57041) that a request for a scientific research permit to import skin and blubber biopsy samples taken from bottlenose dolphins (*Tursiops aduncus*) in Australia had been submitted by the above-named individual. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Dated: January 23, 2002.

Ann D. Terbush,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 02–2137 Filed 1–28–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

[Docket No. 000410097–2017–04]

Public Telecommunications Facilities Program: Notice of Funds Available

AGENCY: National Telecommunications and Information Administration (NTIA), Commerce.

ACTION: Notice of availability of funds.

SUMMARY: On November 20, 2001, the National Telecommunications and Information Administration (NTIA) announced the Notice of Closing Date and Solicitation of Applications for the Public Telecommunications Facilities Program (PTFP) At the time the *Notice of Closing Date and Solicitation of Applications* appeared in the **Federal Register**, PTFP had not been appropriated funds through the fiscal year. NTIA is publishing this *Notice of Availability of Funds* to announce the funds available for fiscal year 2002 PTFP grants.

ADDRESSES: To obtain an application package, submit completed applications, or send any other correspondence, write to: NTIA/PTFP, Room H–4625, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: William Cooperman, Director, Public Broadcasting Division, telephone: (202) 482–5802; fax: (202) 482–2156. Materials needed to complete an application can be obtained electronically via PTFP's Web site at *http://www.ntia.doc.gov/ptfp.*

SUPPLEMENTARY INFORMATION:

Authority: Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002, Public Law 107–77.

Funding Availability

On November 20, 2001, the National Telecommunications and Information Administration (NTIA) announced the Notice of Closing Date and Solicitation of Applications for the Public Telecommunications Facilities Program (PTFP)(66 FR 58302). At the time the *Notice of Closing Date and Solicitation of Applications* appeared in the **Federal Register**, PTFP had not been appropriated funds through the fiscal year. The National Telecommunications and Information Administration (NTIA), U.S. Department of Commerce announces that approximately $25 million is available for award to applicants submitting applications in response to the Notice of Closing Date published November 20, 2001. Pursuant to P.L. 107–77, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002, the Congress appropriated $41.1 million for Public Telecommunications Facilities Program grants. NTIA has allocated approximately $16 million from the $41.1 million for funding additional phases of multi-year projects initially funded in FY 2000 and FY 2001.

Dr. Bernadette McGuire-Rivera,

Associate Administrator, Office of Telecommunications and Information Applications.

[FR Doc. 02–2089 Filed 1–28–02; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

[Docket Number: 981203295–2010–07; CFDA: 11.552]

RIN 0660–ZA06

Technology Opportunities Program

AGENCY: National Telecommunications and Information Administration, Commerce.

ACTION: Notice of availability of funds.

SUMMARY: On December 6, 2001, the National Telecommunications and Information Administration (NTIA) announced the Solicitation of Grant Applications for the Technology Opportunities Program (TOP). At the time the Notice of Solicitation of Grant Applications appeared in the **Federal Register**, TOP had not been appropriated funds through the fiscal year. TOP is publishing this Notice of Availability of Funds to announce the fiscal year 2002 appropriation amount for TOP grants.

DATES: Complete applications for the Fiscal Year 2002 TOP grant program must be mailed or hand-carried to the address indicated below and received by NTIA no later than 8 P.M. EST, March 21, 2002. NTIA anticipates the processing and selection of applications for funding will require 6 months. NTIA expects to announce FY 2002 awards prior to September 30, 2002.

ADDRESSES: Completed applications must be mailed, shipped, or sent overnight express to: Technology Opportunities Program, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW., HCHB, Room 4092, Washington, DC 20230.

or hand-delivered to: Technology Opportunities Program, National Telecommunications and Information Administration, U.S. Department of Commerce, HCHB, Room 1874, 1401 Constitution Avenue, NW., Washington, DC 20230.

Room 1874 is located at entrance #10 on 15th Street NW., between Pennsylvania and Constitution Avenues.

FOR FURTHER INFORMATION, CONTACT: Stephen J. Downs, Director of the Technology Opportunities Program. Telephone: 202–482–2048; fax: 202–501–5136; e-mail: *top@ntia.doc.gov.*

SUPPLEMENTARY INFORMATION:

Authority

Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002, Public Law 107–77.

Funding Availability

On December 6, 2001, NTIA announced in the **Federal Register**, 66 FR 235, that TOP was soliciting grant applications. The Notice of Solicitation of Grant Applications did not announce the amount of available funds because, at the time the Notice was drafted, a final appropriation for TOP was enacted into law. On November 28, 2001, by enactment of Public Law 107–77, TOP was appropriated approximately $12.4 million for grants in FY 2002.

Except to note that funding for TOP is approximately $12.4 million for grants in FY 2002, all other information announced in the Notice of Solicitation of Grant Applications remains in effect. In addition, the Guidelines for Preparing Applications—Fiscal Year 2002 were unchanged by the appropriations legislation and should now be considered final.

Other Information

For further information on the TOP, please refer to the program's Notice of Solicitation of Grant Applications, 66 FR 235 (December 6, 2001). Materials needed to complete an application can be obtained electronically via TOP's web site at *http://www.ntia.doc.gov/top* or by contacting the TOP office at 202–482–2048.

Nancy J. Victory,

Assistant Secretary for Communications and Information.

[FR Doc. 02–2071 Filed 1–28–02; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF DEFENSE

[OMB Control Number 0704–0259]

Information Collection Requirements; Defense Federal Acquisition Regulation Supplement; Types of Contracts

AGENCY: Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection requirement for use through September 30, 2002. DoD proposes that OMB extend its approval for use through September 30, 2005.

DATES: DoD will consider all comments received by April 1, 2002.

ADDRESSES: Respondents may submit comments directly on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm.* As an alternative,

respondents may e-mail comments to: *dfars@acq.osd.mil.* Please cite OMB Control Number 0704–0259 in the subject line of e-mailed comments.

Respondents that cannot submit comments using either of the above methods may submit comments to: Defense Acquisition Regulations Council, Attn: Ms. Susan L. Schneider, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062; facsimile (703) 602–0350. Please cite OMB Control Number 0704–0259.

At the end of the comment period, interested parties may view public comments on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf.*

FOR FURTHER INFORMATION CONTACT: Ms. Susan L. Schneider, (703) 602–0326. The information collection requirements addressed in this notice are available electronically on the World Wide Web at: *http://www.acq.osd.mil/dp/dars/dfars.html.* Paper copies are available from Ms. Susan L. Schneider, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 216, Types of Contracts, and related clauses at DFARS 252.216–7000, Economic Price Adjustment—Basic Steel, Aluminum, Brass, Bronze, or Copper Mill Products; DFARS 252.216–7001, Economic Price Adjustment—Nonstandard Steel Items, and DFARS 252.216–7003, Economic Price Adjustment—Wage Rates or Material Prices Controlled by a Foreign Government; OMB Control Number 0704–0259.

Needs and Uses: The clauses at DFARS 252.216–7000, 252.216–7001, and 252.216–7003 require contractors with fixed-price economic price adjustment contracts to submit information to the contracting officer regarding changes in established material prices or wage rates. The contracting officer uses this information to make appropriate adjustments to contract prices.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Annual Burden Hours: 552.

Number of Responses: 69.

Responses Per Respondent: 1.97.

Annual Responses: 136.

Average Burden Per Response: 4.06 hours.

Frequency: On occasion.

Summary of Information Collection

Each clause requires the contractor to submit certain information that the contracting officer uses to adjust contract prices:

a. Paragraph (c) of the clause at DFARS 252.216–7000 requires the contractor to notify the contracting officer of the amount and effective date of each decrease in any established price. Paragraph (d) of the clause permits the contractor to submit a written request to the contracting officer for an increase in contract price.

b. Paragraph (f)(2) of the clause at DFARS 252.216–7001 requires the contractor to furnish a statement identifying the correctness of the established prices and employee hourly earnings that are relevant to the computation of various indices. Paragraph (f)(3) of the clause requires the contractor to make available all records used in the computation of labor indices upon the request of the contracting officer.

c. Paragraph (b)(1) of the clause at DFARS 252.216–7003 permits the contractor to provide a written request for contract adjustment based on increases in wage rates or material prices that are controlled by a foreign government. Paragraph (c) of the clause requires the contractor to make available its books and records that support a requested change in contract price.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 02–2052 Filed 1–28–02; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF EDUCATION

National Committee on Foreign Medical Education and Accreditation; Meeting

AGENCY: National Committee on Foreign Medical Education and Accreditation, Department of Education.

What Is the Purpose of This Notice?

The purpose of this notice is to announce the upcoming meeting of the National Committee on Foreign Medical Education and Accreditation. Parts of this meeting will be open to the public, and the public is invited to attend those portions.

When and Where Will the Meeting Take Place?

We will hold the public meeting on March 1, 2002 beginning at 10 a.m. in Plaza C at The Ritz-Carlton Hotel at Pentagon City, 1250 South Hayes Street, Arlington, VA 22202. You may call the hotel at (703) 415–5000 or fax the hotel at (703) 415–5061 to inquire about room accommodations.

What Assistance Will Be Provided to Individuals With Disabilities?

The meeting site is accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (*e.g.,* interpreting service, assistive listening device, or materials in an alternate format) notify the contact person listed in this notice at least two weeks before the scheduled meeting date. Although we will attempt to meet a request received after that date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

Who Is the Contact Person for the Meeting?

Please contact Ms. Bonnie LeBold, the Executive Director of the National Committee on Foreign Medical Education and Accreditation, if you have questions about the meeting. You may contact her at the U.S. Department of Education, room 7007, MS 7563, 1990 K St. NW., Washington, DC 20006, telephone: (202) 219–7009, fax: (202) 219–7008, e-mail: *Bonnie.LeBold@ed.gov.*

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service at 1–800–877–8339.

What Are the Functions of the National Committee?

The National Committee on Foreign Medical Education and Accreditation was established by the Secretary of Education under section 102 of the Higher Education Act of 1965, as amended. The Committee's responsibilities are to:

- Evaluate the standards of accreditation applied to applicant foreign medical schools; and
- Determine the comparability of those standards to standards for accreditation applied to United States medical schools.

What Items Will Be on the Agenda for Discussion at the Meeting?

The National Committee on Foreign Medical Education and Accreditation will review the standards of accreditation applied to medical schools by several foreign countries to determine whether those standards are comparable to the standards of accreditation applied to medical schools in the United States. Discussions of the standards of accreditation will be held in sessions open to the public. Discussions that focus on specific determinations of comparability are closed to the public in order that each country may be properly notified of the

decision. The countries tentatively scheduled to be discussed at the meeting include Australia/New Zealand, Canada, Costa Rica, Czech Republic, Dominica, Grenada, Mexico, the Philippines, and Taiwan. Beginning February 15, you may call the contact person listed above to obtain the final listing of the countries whose standards will be discussed during this meeting. The listing of countries will also be posted on the Department of Education's Web site at the following address: *http://www.ed.gov/offices/OPE/accreditation/ncfmeetings.html.*

How May I Obtain Electronic Access to This Document?

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/legislation/FedRegister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.access.gpo.gov/nara/index.html.*

Authority: 5 U.S.C. Appendix 2.

Dated: January 23, 2002.

Kenneth W. Tolo,

Acting Deputy Assistant Secretary for Policy, Planning, and Innovation, Office of Postsecondary Education.

[FR Doc. 02–2127 Filed 1–28–02; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Office of Science Financial Assistance Program Notice 02–04; Experimental Program to Stimulate Competitive Research (EPSCoR); Building EPSCoR-State/National Laboratory Partnerships

AGENCY: U.S. Department of Energy.

ACTION: Notice inviting research grant applications.

SUMMARY: The Office of Basic Energy Sciences (BES) of the Office of Science (SC), U.S. Department of Energy (DOE), in keeping with its energy-related mission to assist in strengthening the Nation's scientific research enterprise through the support of basic science, engineering, and mathematics, announces its interest in receiving grant applications for collaborative partnerships between academic or industrial researchers from states eligible for the DOE/EPSCoR program and researchers at DOE's National Laboratories, facilities, and centers. The purpose of the DOE/EPSCoR program is to enhance the capability of designated states to conduct nationally-competitive energy-related research, and to develop science and engineering manpower in energy-related areas to meet current and future needs. The purpose of this program notice is to initiate and promote partnering and collaborative relationships that build beneficial energy-related research programs with strong participation by students, postdoctoral fellows and young faculty from EPSCoR states.

DATES: Potential applicants are required to submit a brief preapplication. All preapplications, referencing Program Notice 02–04, must be received by DOE by 4:30 P.M., E.DT., April 17, 2002, (preapplications received after this date will not be considered). A response to the preapplications encouraging or discouraging a formal application will be communicated to the applicant within approximately thirty days of receipt. The deadline for receipt of formal applications is 4:30 P.M., E.DT., July 10, 2002, (formal applications received after this date will not be considered), in order to be accepted for merit review and to permit timely consideration for award in Fiscal Year 2003.

ADDRESSES: All preapplications, referencing Program Notice 02–04, should be sent to Dr. Matesh N. Varma, Division of Materials Sciences and Engineering, SC–132, Office of Science, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874–1290. After receiving notification from DOE encouraging submission of a formal application, applicants may prepare formal applications and send them to: U.S. Department of Energy, Office of Science, Grants and Contracts Division, SC–64, 19901 Germantown Road, Germantown, MD 20874–1290, ATTN: Program Notice 02–04. This above address must also be used when submitting applications by U.S. Postal Service Express, any commercial mail delivery service, or when hand carried by the applicant.

FOR FURTHER INFORMATION CONTACT: Dr. Matesh N. Varma, DOE/EPSCoR Program Manager, Division of Materials Sciences and Engineering, SC–132, Office of Science, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874–1290, Telephone: (301) 903–3209, Facsimile: (301) 903–9513 or Internet e-mail address: *matesh.varma@science.doe.gov.*

SUPPLEMENTARY INFORMATION: To continue to enhance the competitiveness of states and territories identified for participation in the Experimental Program to Stimulate Competitive Research (EPSCoR), DOE encourages the formation of partnerships between academic and industrial researchers in EPSCoR states and the researchers at DOE's National Laboratories, facilities and centers in scientific areas supported by DOE's Office of Science. These collaborations should address areas of research of current interest to the Department. Undergraduate and graduate students, postdoctoral fellows and young faculty must be active members of the research team, and it is encouraged that these investigators spend a summer or significant time during the academic year at a National Laboratory, facility or center. It is also encouraged that collaborating scientists from the National Laboratories visit collaborating EPSCoR state faculty for exchange of scientific ideas and fostering active collaboration. Subcontracting arrangements with DOE National Laboratories will not be permitted. DOE eligible states and territories for the EPSCoR program are: Alaska, Alabama, Arkansas, Hawaii, Idaho, Kansas, Kentucky, Louisiana, Maine, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Carolina, South Dakota, Vermont, West Virginia, Wyoming, and the Commonwealth of Puerto Rico.

Program Funding

It is anticipated that approximately $550,000 will be available in FY 2003, for research that encourages and facilitates collaborative efforts between researchers from EPSCoR states and researchers at DOE's National Laboratories, facilities, and centers. Multiple-year funding of grant awards is expected subject to satisfactory progress of the research, the availability of funds, and evidence of substantial interactions between the EPSCoR researchers and the National Laboratory partner. Awards are expected to range up to a maximum of $150,000 annually with terms up to three years. The number of awards and range of funding will depend on the number of applications received and selected for award. Cost sharing of exactly 10% of the total budget is required from non-federal sources. All

DOE/EPSCOR award funds will be provided to the recipient organization within the EPSCoR state for the purpose of supporting activities in the EPSCoR state and may include travel and lodging, faculty or student stipends, materials, services and equipment.

Applications

To minimize undue effort on the part of applicants and reviewers, interested parties must submit preapplications. Only one application per individual is permitted, and individuals currently receiving DOE EPSCoR funds are not eligible to apply. The preapplications will be evaluated relative to the scope and research needs of the Department of Energy. The brief preapplication must consist of (1) one to two pages of narrative describing the research objectives and methods of accomplishment, (2) a letter from the appropriate state EPSCoR coordinator endorsing the preapplication, and (3) a letter of intent from the DOE National Laboratory researcher confirming willingness to collaborate on the project. The preapplications will be grouped according to programmatic areas of interest to the DOE and will be reviewed by DOE laboratory management to determine the priority of the proposed research. The preapplications will also be reviewed by the relevant programmatic research area program manager. DOE program managers will be asked to rank EPSCoR preapplications by program priority. They will also be asked for their willingness to provide cofunding if a project is selected for approval. Based on this review, DOE/EPSCoR management will recommend formal submission of applications to the Department. A telephone number, facsimile number, and e-mail address are required parts of the preapplication. Instructions regarding the contents of a preapplication and other preapplication guidelines can be found on the SC Grants and Contracts Web site at: *http://www.sc.doe.gov/production/grants/preapp.html.*

In addition to the project description, all preapplications and formal applications must include the following information:

(1) Applications should explain the relevance of the proposed research to the agency's programmatic needs. On the cover page, applicants should specify the relevant DOE technical program office, and if known, the name of the program manager, and telephone number. DOE program descriptions and the contact person information may be accessed via the Web at: *http://www.doe.gov.*

(2) Applications must demonstrate clear evidence of collaborative intent, including a delineation of each partner's role and contribution to the research effort as well as a ''Letter-of-Intent'' from the participating DOE National Laboratory, facility, or center.

(3) Applications must explain the individual value to both the EPSCoR and the National Laboratory partners. There should be clear objectives, not necessarily the same, for each partner.

Applications will be subjected to scientific merit review (peer review) and will be evaluated against the following evaluation criteria, listed in descending order of importance as codified at 10 CFR part 605.10(d).

1. Scientific and/or Technical Merit of the Project,

2. Appropriateness of the Proposed Method or Approach,

3. Competency of Applicant's Personnel and Adequacy of Proposed Resources,

4. Reasonableness and Appropriateness of the Proposed Budget.

The evaluation will include program policy factors such as the relevance of the proposed research to the terms of the announcement and an agency's programmatic needs and priority. Note: External peer reviewers are selected with regard to both their scientific expertise and the absence of conflict-of-interest issues. Non-federal reviewers will often be used, and submission of an application constitutes agreement that this is acceptable to the investigator(s) and the submitting institution.

Applications received by SC under its current competitive application mechanisms that meet the criteria outlined in this Notice may also be deemed appropriate for consideration under this announcement and may be funded under this program.

General information about the development and submission of preapplications, applications, eligibility, limitations, evaluation, and selection processes, and other policies and procedures are contained in the Application Guide for the Office of Science Financial Assistance Program and 10 CFR part 605. Electronic access to the latest version of SC's Financial Assistance Guide is possible via the Internet at the following Web site address: *http://www.sc.doe.gov/production/grants/grants.html.*

Additional information regarding format, preparation and specific requirements for this program may be found at the following Web site address: *http://www.sc.doe.gov/production/bes/EPSCoR/APPLI1.HTM.*

The Catalog of Federal Domestic Assistance Number for this program is 81.049, and the solicitation control number is ERFAP 10 CFR part 605.

Issued in Washington, DC on January 18, 2002.

John Rodney Clark,

Associate Director of Science for Resource Management.

[FR Doc. 02–2112 Filed 1–28–02; 8:45 am]

BILLING CODE 6450–02–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC01–1–001 FERC Form No. 1]

Information Collection Submitted for Review and Request for Comments

January 23, 2002.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of submission for review by the Office of Management and Budget (OMB) and request for comments.

SUMMARY: The Federal Energy Regulatory Commission (Commission) has submitted the energy information collection listed in this notice to the Office of Management and Budget (OMB) for review under provisions of section 3507 of the Paperwork Reduction Act of 1995 (Public Law 104–13). Any interested person may file comments on the collection of information directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission received comments from six entities. Of the six, two represented either their subsidiaries or on behalf of a collective group of electric utilities. Information about the electric utilities and individual companies that participated is listed in Appendix D of the submission. The actual comments themselves are included in Attachment A. These entities commented in response to an earlier **Federal Register** notice of August 7, 2001 (66 FR 41217). The Commission has responded to these comments in its submission to OMB.

DATES: Comments regarding this collection of information are best assured of having their full effect if received within 30 days of this notification.

ADDRESSES: Address comments to Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Federal Energy Regulatory Commission, Desk Officer, 725 17th Street, NW., Washington, DC 20503. The

Desk Officer may also be reached at (202) 395–7318. A copy of the comments should also be sent to Federal Energy Regulatory Commission, Office of the Chief Information Officer, Attention: Mr. Michael Miller, 888 First Street NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Mr. Miller may be reached by telephone at (202) 208–1415, by fax at (202) 208–2425, and by e-mail at *mike.miller@ferc.gov.*

SUPPLEMENTARY INFORMATION:

Description

The energy information collection submitted to OMB for review contains:

1. *Collection of Information:* FERC Form 1 ''Annual Report for Major Electric Utilities, Licensees and Others''.

2. *Sponsor:* Federal Energy Regulatory Commission.

3. *Control No.:* OMB No. 1902–0021. The Commission is now requesting that OMB approve a three-year extension of the current expiration date, with proposed changes to the existing collection. There is a decrease in the reporting burden due to the proposed elimination of eleven schedules and the abolishment of the paper copy filing requirement. There is also an adjustment due to an increase in the number of entities who are now subject to the Commission's jurisdiction and as a result must submit this annual report. This is a mandatory information collection requirement.

4. *Necessity of Collection of Information:* Submission of the information is necessary to enable the Commission to carry out its responsibilities in implementing the provisions of the Federal Power Act (FPA). Under the FPA the Commission may prescribe a system of accounts for jurisdictional companies, and after notice and hearing, may determine the accounts in which particular outlays and receipts will be entered, charged or credited. The FERC Form 1 is designed to collect financial information from privately owned electric utilities and licensees who have generation, transmission, distribution and sales of electric energy, however produced throughout the United States and its possessions, subject to the Commission's jurisdiction.

Respondent Description: The respondent universe currently comprises on average, 216 companies subject to the Commission's jurisdiction.

6. *Estimated Burden:* 226,800 total burden hours, 216 respondents, 1 response annually, 1,050 hours per response (average).

7. *Estimated Cost Burden to Respondents:* 226,800 hours ÷ 2,080 hours per year × $117,041 per year = $12,713,112 average cost per respondent = $58,857.

Statutory Authority: Sections 304 and 309 of the Federal Power Act (FPA), 16 U.S.C. 825c–825h.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 02–2096 Filed 1–28–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC01–1F–001 FERC Form No. 1–F]

Information Collection Submitted for Review and Request for Comments

January 23, 2002.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of submission for review by the Office of Management and Budget (OMB) and request for comments.

SUMMARY: The Federal Energy Regulatory Commission (Commission) has submitted the energy information collection listed in this notice to the Office of Management and Budget (OMB) for review under provisions of Section 3507 of the Paperwork Reduction Act of 1995 (Public Law 104–13). Any interested person may file comments on the collection of information directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission received comments from two entities. The actual comments themselves are included in Attachment A. These entities commented in response to an earlier **Federal Register** notice of October 1, 2001 (66 FR 49945). The Commission has responded to these comments in its submission to OMB.

DATES: Comments regarding this collection of information are best assured of having their full effect if received within 30 days of this notification.

ADDRESSES: Address comments to Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Federal Energy Regulatory Commission, Desk Officer, 725 17th Street, NW., Washington, DC 20503. The Desk Officer may also be reached at (202) 395–7318. A copy of the comments should also be sent to Federal Energy Regulatory Commission, Office of the Chief Information Officer, Attention: Mr. Michael Miller, 888 First Street NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Mr. Miller may be reached by telephone at (202) 208–1415, by fax at (202) 208–2425, and by e-mail at *mike.miller@ferc.gov.*

SUPPLEMENTARY INFORMATION:

Description

The energy information collection submitted to OMB for review contains:

1. *Collection of Information:* FERC Form 1–F ''Annual Report for Nonmajor Public Utilities and Licensees''.

2. *Sponsor:* Federal Energy Regulatory Commission.

3. *Control No.:* OMB No. 1902–0029. The Commission is now requesting that OMB approve a three-year extension of the current expiration date, with proposed changes to the existing collection. There is an increase in the reporting burden due to an adjustment in the number of entities who are now subject to the Commission's jurisdiction and as a result must submit this annual report. This increase is partially offset by the proposed elimination of two schedules and certain line items on six other schedules. This is a mandatory information collection requirement.

4. *Necessity of Collection of Information:* Submission of the information is necessary to enable the Commission to carry out its responsibilities in implementing the provisions of the Federal Power Act (FPA). Under the FPA the Commission may prescribe a system of accounts for jurisdictional companies, and after notice and hearing, may determine the accounts in which particular outlays and receipts will be entered, charged or credited. The FERC Form 1–F is designed to collect financial information from jurisdictional electric utilities and licensees who have generation, transmission, distribution and/or sell electric energy, within the United States and its possessions.

Respondent Description: The respondent universe currently comprises on average, 26 companies subject to the Commission's jurisdiction.

6. *Estimated Burden:* 832 total burden hours, 26 respondents, 1 response annually, 32 hours per response (average).

7. *Estimated Cost Burden to Respondents:* 832 hours ÷ 2,080 hours per year × $117,041 per year = $ 46,816 average cost per respondent = $1,801.

STATUTORY AUTHORITY: Sections 304 and 309 of the Federal Power Act (FPA), 16 U.S.C. 825c–825h.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 02–2097 Filed 1–28–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–146–000]

Columbia Gulf Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

January 23, 2002.

Take notice that on January 15, 2002, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1 (Tariff), the following revised tariff sheets, with a proposed effective date of February 1, 2002:

Twenty-eighth Revised Sheet No. 18
Eighteenth Revised Sheet No. 18A
Twenty-ninth Revised Sheet No. 19

Columbia Gulf states that it is submitting a ''Periodic TRA Filing,'' pursuant to the provisions of Section 33, ''Transportation Retainage Adjustment (TRA),'' of the General Terms and Conditions (GTC) of its FERC Gas Tariff, Second Revised Volume No. 1 (Tariff). GTC Section 33 provides for Columbia Gulf's required annual (the Annual TRA filed on March 1 of each year) and discretionary periodic adjustments (the Periodic TRA) to the applicable transportation retainage percentages in its Tariff. This Periodic TRA Filing reduces the applicable transportation retainage percentages on Columbia Gulf.

Columbia Gulf states that copies of its filing are available for inspection at its offices at 12801 Fair Lakes Parkway, Fairfax, Virginia; 2603 Augusta, Suite 124, Houston, Texas; and 10 G Street NE, Suite 580, Washington, DC; and have been mailed to all firm customers, interruptible customers, and affected state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Web at http://www.ferc.gov using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. *See*, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 02–2107 Filed 1–28–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT00–34–007]

Dauphin Island Gathering Partners; Notice of Proposed Changes in FERC Gas Tariff

January 23, 2002.

Take notice that on January 11, 2002, Dauphin Island Gathering Partners (DIGP) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed below to become effective January 1, 2002. DIGP states that these tariff sheets reflect changes to shipper names and Maximum Daily Quantities (MDQ's).

Eighth Revised Sheet No. 9
Sixth Revised Sheet No. 10

DIGP states that a copy of this filing is available for public inspection during regular business hours at DIGP's office at 370 17th Street, Suite 900, Denver, Colorado 80202.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 02–2095 Filed 1–28–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP02–64–000]

Dominion Transmission, Inc.; Notice of Application

January 23, 2002.

Take notice that on January 11, 2002, Dominion Transmission, Inc. (DTI), 445 West Main Street, Clarksburg, West Virginia 26301, filed an abbreviated application for authorization to construct, install, own, operate and maintain certain compressor facilities, and for authority to abandon a segment of pipeline, pursuant to section 7 of the Natural Gas Act (NGA), as amended, and part 157 of the Commission's Rules and Regulations, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may also be viewed on the Web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance).

Specifically, DTI requests authorization: (1) to construct approximately 12,000 horsepower (HP) of electrically-driven compression at DTI's Hastings Compressor Station (Hastings Station) located in Wetzel County, West Virginia; (2) to abandon approximately 9,200 HP of compression consisting of 3 units of 2,000 HP each and 2 units of 1,600 HP each also at Hastings Station, (3) to abandon 3 pipelines totaling 7,696 feet in length and various diameters located at or near Hastings Station and (4) to increase the capacity through Hastings Station from approximately 150 MMcfd to 166 MMcfd.

Any questions regarding the application should be directed to Sean R. Sleigh, Certificates Manager for Dominion Transmission, Inc., 445 West

Main Street, Clarksburg, West Virginia 26301, at (304) 627–3462.

There are two to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before February 13, 2002, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission may issue a preliminary determination on non-environmental issues prior to the completion of its review of the environmental aspects of the project. This preliminary determination typically considers such issues as the need for the project and its economic effect on existing customers of the applicant, on other pipelines in the area, and on landowners and communities. For example, the Commission considers the extent to which the applicant may need to exercise eminent domain to obtain rights-of-way for the proposed project and balances that against the non-environmental benefits to be provided by the project. Therefore, if a person has comments on community and landowner impacts from this proposal, it is important either to file comments or to intervene as early in the process as possible.

Interventions, comments, and protests may be filed electronically via the Internet in lieu of paper. *See,* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final Commission order approving or denying a certificate will be issued.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 02–2093 Filed 1–28–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP91–143–052]

Great Lakes Gas Transmission Limited Partnership; Notice of Revenue Sharing Report November 2000–October 2001

January 23, 2002.

Take notice that on January 16, 2002, Great Lakes Gas Transmission Limited Partnership (Great Lakes) filed its Interruptible/Overrun (I/O) Revenue Sharing Report with the Federal Energy Regulatory Commission (Commission) in accordance with the Stipulation and Agreement (Settlement) filed on September 24, 1992, and approved by the Commission's February 3, 1993 order issued in Docket No. RP91–143–000, et al.

Great Lakes states that this report reflects application of the revenue sharing mechanism and remittances made to firm shippers for I/O revenue collected for the November 1, 2000 through October 31, 2001 period, in accordance with Article IV of the Settlement. Such remittances, totaling $35,146, were made to Great Lakes' firm shippers as shown in the schedules included in the filing.

Great Lakes states that copies of the report were sent to its firm customers, parties to this proceeding and the Public Service Commissions of Minnesota, Wisconsin and Michigan.

Great Lakes further states the amounts remitted are based on implementation of the Commission's orders in Docket Nos. RP91–143, RS92–63 and RP95–422, et al.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before January 29, 2002. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. *See*, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 02–2103 Filed 1–28–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. QF87–632–006]

Inter-Power/AhlCon Partners, L.P.; Notice of Filing

January 23, 2002.

Take notice that on January 16, 2002, Inter-Power/AhlCon Partners, L.P. (Applicant) filed a Notice of Withdrawal of its Application for Recertification of Qualifying Facility Status for Small Power Production Facility.

Any person desiring to intervene or to protest this filing should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. All such motions and protests should be filed on or before the comment date and to the extent applicable, must be served on the applicant and on any other person designated on the official service list. This filing is available for review at the Commission or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Protests and interventions may be filed electronically via the Internet in lieu of paper; *see*, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: February 1, 2002.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 02–2102 Filed 1–28–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–72–001]

Midwestern Gas Transmission Company; Notice of Compliance Tariff Filing

January 23, 2002.

In accordance with the Commission's order at Docket No. RP02–72–000 dated December 31, 2001, 97 FERC 61,388, Midwestern hereby files the following compliance tariff sheets:

First Revised Sheet No. 225
First Revised Sheet No. 227
First Revised Sheet No. 228

In the December 31, 2001 Order, the Commission rejected Midwestern's proposal to require that off-hour hourly nomination requests be made via facsimile. By this filing, Midwestern's First Revised Sheet No. 225 complies with the December 31, 2001 order and reflects that requests for off-hour hourly nominations be made electronically, via the System. In the December 31, 2001 order, the Commission also rejected Midwestern's proposal to modify its scheduling priorities. Midwestern is filing First Revised Sheet No. 227, Subsection 3.7 of its General Terms and Conditions, to eliminate the distinction between nominations made within a shipper's contracted path and nominations outside of a shipper's contracted path. Due to this change, the paragraphs of Subsection 3.7 of the General Terms and Conditions have been renumbered; therefore, First Revised Sheet No. 228 is filed herein.

Copies of this filing have been sent to all parties of record in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. *See*, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 02–2105 Filed 1–28–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2017–011–CA]

Southern California Edison Company; Notice

January 23, 2002.

Vince Yearick, of the Commission's Office of Energy Projects, (202) 219–3073, has been assigned to assist in any settlement process that may transpire in the above-captioned proceeding. He has been separated from, and will not participate as, advisory staff in this proceeding.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 02–2099 Filed 1–28–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP02–67–000]

Transcontinental Gas Pipe Line Corporation; Notice of Request Under Blanket Authorization

January 23, 2002.

Take notice that on January 15, 2002, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251–1396, filed in Docket No. CP02–67–000 a request pursuant to sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.211) for authorization to construct a delivery point for Sweetheart Cup Company, Inc. (Sweetheart), located in Baltimore County, Maryland, under Transco's blanket certificate issued in Docket No. CP82–426–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection. This filing may be viewed on the Web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket #'' from the RIMS Menu and follow the instructions (please call 202–208–2222 for assistance).

Transco proposes to construct, own, and operate a new delivery point for Sweetheart, a manufacturer of disposable food service products. Transco proposes to construct two 4-inch tap valve assemblies, a meter station with one 3-inch rotary meter, approximately 1,400 feet of 6-inch inlet piping to the meter station, outlet piping from the meter station, odorization, electronic flow measurement equipment, and other appurtenant facilities, located on Transco's mainline in Baltimore County, Maryland.

Transco states that the new delivery point will be used by Sweetheart to receive up to 8,976 dekatherms per day at 800 psig of gas from Transco on a firm, capacity release, or interruptible basis. Transco indicates that upon completion of the delivery point, Transco will commence transportation service to Sweetheart or its suppliers pursuant to Transco's Rate Schedules FT, FT–R, or IT and part 284(G) of the

Commission's Regulations. Transco asserts that the addition of the delivery point will have no significant impact on Transco's peak day or annual deliveries, and is not prohibited by Transco's FERC Gas Tariff.

Transco states that the estimated cost of the proposed facilities is approximately $888,200. Transco indicates that Sweetheart will reimburse Transco for all costs associated with such facilities.

Any questions regarding the prior notice request should be directed to Paul Gredell, Transcontinental Gas Pipe Line Corporation, P.O. Box 1396, Houston, Texas 77251–1396, at (713) 215–2197.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act. Comments and protests may be filed electronically via the internet in lieu of paper. *See*, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 02–2094 Filed 1–28–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–359–007]

Transcontinental Gas Pipe Line Corporation; Notice of Negotiated Rate Contracts

January 23, 2002.

Take notice that on January 15, 2002 Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing with the Federal Energy Regulatory Commission (Commission) copies of executed service agreements that contain a negotiated rate under Rate Schedule FT applicable to Public Service Electric & Gas Company (PSE&G) and Williams Energy Marketing & Trading Company (WEM&T) of the MarketLink Expansion Project Phase I customers. These service agreements are the result of the permanent capacity release of a previously filed and reviewed Phase I MarketLink service agreement containing a negotiated rate. The effective date of the permanent capacity release and therefore these negotiated rate transactions is December 19, 2001.

Transco states that the purpose of the instant filing is to reflect one of the MarketLink Expansion Project customers, WEM&T, permanently released, effective December 19, 2001, 50,000 dt per day of its 100,000 dt per day of firm Phase 1 MarketLink capacity to PSE&G at the same negotiated rate and primary term. The permanent release of firm MarketLink capacity was effectuated pursuant to Section 42.12 of the General Terms and Conditions of Transco's FERC Gas Tariff. Accordingly, Transco hereby files with the Commisison the negotiated rate agreements under Rate Schedule FT applicable to WEM&T and PSE&G to reflect this permanent capacity release.

Transco states that copies of the filing are being mailed to its affected customers and interested State Commissions. In accordance with the provisions of Sections 154.2(d) of the Commission's Regulations, copies of this filing are available for public inspection, during regular business hours in a convenient form and place at Transco's main offices at 2800 Post Oak Boulevard in Houston, Texas.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. *See*, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 02–2104 Filed 1–28–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR02–3–000]

Ultramar Inc. Complainant, v. Calnev Pipe Line, L.L.C. Respondent; Notice of Complaint

January 23, 2002.

Take notice that on January 18, 2002, pursuant to Rule 206 of the Commission's Rules of Practice and Procedure (18 CFR 385.206) and the Procedural Rules Applicable to Oil Pipeline Procedures (18 CFR 343, *et seq.*), Ultramar Inc. (Ultramar) filed a Complaint and Motion for Consolidation in the above captioned proceeding. Ultramar alleges that Calnev Pipe Line, L.L.C. (Calnev) has violated the Interstate Commerce Act, 49 U.S.C. App. § 1, *et seq.*, by charging unjust and unreasonable rates for Calnev's jurisdictional interstate services associated with its lines originating at Colton in San Bernardino County, California, to stations at two interstate destinations in Clark County, Nevada, one at McCarran Field and the other at North Las Vegas as more fully set forth in the Complaint. To the extent that any of Calnev's rates may be deemed just and reasonable under § 1803 of the Energy Policy Act of 1992, Public Law 102–486, 106 Stat. 2776 (1992), Ultramar alleges that there has been a substantial change in the economic circumstances on which the rates are based.

Ultramar requests that the Commission: (1) Examine the challenged rates and charges collected by Calnev for its jurisdictional interstate services; (2) order reparations to Ultramar, including appropriate interest thereon, for the applicable reparation periods to the extent the Commission finds that such rates or charges were unlawful; (3) determine just, reasonable, and nondiscriminatory rates for Calnev's jurisdictional interstate service; (4) award Ultramar reasonable attorneys' and experts' fees and costs; and (5) order such other relief as may be appropriate.

Ultramar states that it has served the Complaint on Calnev pursuant to Rule 206 of the Commission's Rules of

Practice and Procedure, 18 CFR 385.206(c). Calnev's response to this Complaint is due within 20 days of the filing of this Complaint pursuant to the Commission's Procedural Rules Applicable to Oil Pipeline Proceedings, 18 CFR 343.4.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests must be filed on or before February 7, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Answers to the complaint shall also be due on or before February 7, 2001. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 02–2098 Filed 1–28–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–145–000]

Williston Basin Interstate Pipeline Company; Notice of Tariff Filing

January 23, 2002.

Take notice that on January 15, 2002, Williston Basin Interstate Pipeline Company (Williston Basin), P.O. Box 5601, Bismarck, North Dakota 58506–5601, tendered for filing a revised tariff sheet to Second Revised Volume No. 1 of its FERC Gas Tariff to become effective February 1, 2002.

Williston Basin states that the revised tariff sheet reflects the termination of the GSR surcharge applicable to Rate Schedule FT–1 effective February 1, 2002.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. *See*, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 02–2106 Filed 1–28–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3052–003 –Wisconsin]

City of Black River Falls, WI; Notice of Availability of Envrionmental Assessment

January 23, 2002.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the application for a subsequent minor license for the Black River Falls Project located on the Black River, in Jackson County, Wisconsin, and has prepared an Environmental Assessment (EA) for the project. In the EA, the Commission's staff has analyzed the potential environmental effects of the project and has concluded that approval of the project, with appropriate environmental measures, would not constitute a major federal action significantly affecting the quality of the human environment.

A copy of the EA is on file with the Commission and is available for public inspection. The EA may also be viewed on the Web at *http://www.ferc.gov* using the ''RIMS'' link—select ''Docket #'' and follow the instructions (call 202–208–2222 for assistance).

Any comments should be filed within 30 days from the date of this notice and should be addressed to the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Room 1–A, Washington, DC 20426. Please affix ''Black River Falls Project No. 3052'' to all comments. Comments may be filed electronically via the Internet in lieu of paper. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. For further information, contact Susan O'Brien at (202) 219–2840.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 02–2100 Filed 1–28–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP02–57–000]

SCG Pipeline, Inc.; Notice of Intent To Prepare an Environmental Assessment for the Proposed SCG Pipeline Project and Request for Comments on Environmental Issues

January 23, 2002.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the SCG Pipeline Project involving construction and operation of facilities by SCG Pipeline, Inc. (SCG) in Chatham and Effingham Counties, Georgia and Jasper County, South Carolina.[1] These facilities would consist of about 18.2 miles of 20-inch-diameter pipeline and appurtenant facilities. In addition, SCG seeks to acquire capacity in certain facilities owned by Southern Natural Gas Company (Southern). This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by

[1] SCG's application was filed with the Commission under section 7 of the Natural Gas Act and part 157 of the Commission's regulations.

the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' was attached to the project notice SCG provided to landowners. This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet Web site (*www.ferc.gov*).

Summary of the Proposed Project

SCG proposes to construct and operate about 18.2 miles of 20-inch-diameter pipeline and appurtenant facilities extending from an interconnect with Southern's pipeline system in Port Wentworth, Georgia to a terminus in Jasper County, South Carolina. SCG also seeks authority to acquire capacity in Southern's existing 13.25-mile-long, 30-inch-diameter twin pipelines which extend between Elba Island, Georgia and SCG's proposed interconnection at Port Wentworth, Georgia. SCG would construct and maintain meter stations at the interconnection with Southern's pipeline system in Port Wentworth, Georgia and at the pipeline terminus in Jasper County, South Carolina.

The capacity of the SCG Pipeline Project would be 190,000 Mcf per day, and the primary source of natural gas would be imported liquefied natural gas (LNG) from the Elba Island LNG terminal in Savannah, Georgia. SCG's interconnection at Port Wentworth also provides the capability to receive up to 90,000 Mcf per day from Southern's Savannah Lateral in the event that Elba Island LNG supply is unavailable.

The SCG Pipeline Project would interconnect with two nonjurisdictional projects at its proposed terminus in Jasper County, South Carolina: a new electric generation facility planned by South Carolina Electric & Gas Company (SCE&G) and an expansion and extension of an existing intrastate pipeline system planned by South Carolina Pipeline Corporation (SCPC). SCE&G's planned 875 megawatt electric generation facility is located about 5 miles north of Hardeeville, South Carolina. SCPC's planned 16- and 20-inch-diameter pipeline facilities would consist of 43 miles of loop on its existing system and 39 miles of new pipeline. SCPC's 82-mile-long pipeline facilities would extend from the SCG Pipeline Project receipt point to an interconnection with SCPC's existing pipeline system in Dorchester County, South Carolina.

The location of the SCG Pipeline Project facilities is shown in appendix 1.[2]

Land Requirements for Construction

Construction of the proposed facilities would require about 275.7 acres of land for construction right-of-way, extra workspaces, and contractor yards. Following construction, about 107.2 acres would be maintained as permanent right-of-way and new aboveground facility sites. The remaining 168.5 acres of temporary workspace would be restored and allowed to revert to its former use.

The nominal construction right-of-way for the pipeline would be 100 feet wide, with 50 feet retained as permanent right-of-way. About 91 percent of the pipeline route would parallel existing transportation or energy rights-of-way, and 50 feet of SCG's construction right-of-way would generally overlap these existing maintained rights

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us[3] to discover and address concerns the public may have about proposals. We call this ''scoping''. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils
- Water resources, fisheries, and wetlands
- Vegetation and wildlife
- Air quality and noise
- Land use
- Cultural resources
- Endangered and threatened species
- Public safety

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the public participation section beginning on page 5.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by SCG. This preliminary list of issues may be changed based on your comments and our analysis.

- Twelve perennial waterbodies are crossed by the pipeline, including the Savannah River.
- About 49 acres of wetlands, including 33.4 acres of forested wetlands, are affected by construction of the pipeline.
- Eight single-family residences are within 50 feet of the proposed pipeline construction corridor.

Also, we have made a preliminary decision to not address the impacts of the nonjurisdictional facilities. We will briefly describe their location and status in the EA.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project.

[2] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available on the Commission's Web site at the ''RIMS'' link or from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, NE., Washington, DC 20426, or call (202) 208–1371. For instructions on connecting to RIMS refer to the last page of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

[3] ''We'', ''us'', and ''our'' refer to the environmental staff of the Office of Energy Projects (OEP).

By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

• Send an original and two copies of your letter to: Linwood A. Watson, Jr., Acting Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426.

• Label one copy of the comments for the attention of the Gas 1, PJ–11.1.

• Reference Docket No. CP02–57–000.

• Mail your comments so that they will be received in Washington, DC on or before February 25, 2002.

Comments may also be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov* under the ''e-Filing'' link and the link to the User's Guide. Before you can file comments you will need to create an account which can be created by clicking on ''Login to File'' and then ''New User Account.'' Due to current events, we cannot guarantee that we will receive mail on a timely basis from the U.S. Postal Service, and we do not know how long this situation will continue. However, we continue to receive filings from private mail delivery services, including messenger services, in a reliable manner. The Commission encourages electronic filing of any comments or interventions or protests to this proceeding. We will include all comments that we receive within a reasonable time frame in our environmental analysis of this project.

If you do not want to send comments at this time but still want to remain on our mailing list, please return the Information Request (appendix 3). If you do not return the Information Request, you will be taken off the mailing list.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an ''intervenor''. Intervenors play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to rule 214 of the Commission's rules of practice and procedure (18 CFR 385.214) (see appendix 2).[4] Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

Additional information about the proposed project is available from the Commission's Office of External Affairs at (202) 208–1088 or on the FERC Web site (*www.ferc.gov*) using the ''RIMS'' link to information in this docket number. Click on the ''RIMS'' link, select ''Docket #'' from the RIMS Menu, and follow the instructions. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208–2222.

Similarly, the ''CIPS'' link on the FERC Internet Web site provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet Web site, click on the ''CIPS'' link, select ''Docket #'' from the CIPS menu, and follow the instructions. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208–2474.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 02–2092 Filed 1–28–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

January 23, 2002.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment of License to delete license article 404.

b. *Project No:* 6939–107.

c. *Date Filed:* December 3, 2001.

d. *Applicant:* City of Jackson, Ohio and certain Ohio Municipalities.

e. *Name of Project:* Belleville Hydroelectric Project.

f. *Location:* The project is located on the Ohio River in Wood County, West Virgina.

g. *Filed Pursuant to:* Federal Power Act, 16 USC 791 (a) 825(r) and 799 and 801.

h. Applicant Contact: Marc S. Gerken, President, American Municipal Power-Ohio, Inc., 2600 Airport Drive, Columbus, Ohio 43219, (614) 337–6222.

i. *FERC Contact:* Any questions on this notice should be addressed to Mr. Thomas LoVullo at (202) 219–1168, or e-mail address: *thomas.lovullo@ferc.gov.*

j. *Deadline for filing comments, motions to intervene and protest:* February 24, 2002.

All documents (an original and eight copies) should be filed with: Linwood A. Watson, Jr., Acting Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Please include the project number (P–6939–107) on any comments or motions filed.

k. *Description of Request:* The City of Jackson requests that the remaining prospective requirements of license article 404, in particular the performance of a fish mortality study and the possible provision of compensatory mitigation, be deleted from the license. The City of Jackson stated that it submitted its request due to significantly changed circumstances including the non-construction of numerous projects in the Upper Ohio River Basin, and a substantial change in the Federal Energy Regulatory Commission's policy regarding fish studies and compensation since the license was issued in 1989.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. This filing may also be viewed on the Web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to

[4] Interventions may also be filed electronically via the Internet in lieu of paper. See the previous discussion on filing comments electronically.

intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

q. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov* under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 02–2101 Filed 1–28–02; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7135–2]

Agency Information Collection Activities: Proposed Collection; Comment Request; Nonconformance Penalties for Heavy-Duty Engines and Heavy-Duty Vehicles, Including Light-Duty Trucks

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following proposed Information Collection Request (ICR) to the Office of Management and Budget (OMB): Nonconformance Penalties for Heavy-Duty Engines and Heavy-Duty Vehicles, Including Light-Duty Trucks, ICR 1285.05, OMB Control Number 2060–0132, expired 5/31/1997, reinstatement. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before April 1, 2002.

ADDRESSES: Office of Transportation and Air Quality, Certification and Compliance Division, Engine Programs Group, 1200 Pennsylvania Avenue, NW., Mail Code 6403J, Washington, DC 20460. Interested persons may request a copy of the ICR without charge from the contact person below.

FOR FURTHER INFORMATION CONTACT: Anthony Erb, tel.: (202) 564–9259; fax: (202) 565–2057: or e-mail: *erb.anthony @epa.gov*.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those which manufacture heavy-duty engines and vehicles including light-duty trucks.

Title: Nonconformance Penalties for Heavy-Duty Engines and Heavy-Duty Vehicles, Including Light-Duty Trucks; OMB Control No. 2060–0132; EPA ICR No.1285.05, expired 5/31/1997, reinstatement.

Abstract: Section 206(g) of the Act as amended in 1990 contains the nonconformance penalty (NCP) provisions. It requires tests of production engines and vehicles to determine the extent of their nonconformity. Nonconformance penalties allow a manufacturer to introduce into commerce heavy-duty engines or vehicles including light-duty trucks, which fail to conform with certain emission standards upon payment of a monetary penalty. A manufacturer that elects to pay a nonconformance penalty must perform a Production Compliance Audit (PCA). The collection activities of the nonconformance penalty program include periodic reports and other information (including the results of emission testing conducted during the PCA) which the manufacturer will create and submit to the Certification and Compliance Division (CCD), Office of Transportation and Air Quality (OTAQ), Office of Air and Radiation (OAR). CCD will use this information to ensure that manufacturers are complying with the regulations and that appropriate nonconformance penalties are being paid. Responses to this collection are voluntary based on the fact that participation in the nonconformance penalty program is an option that is available to manufacturers. Once a manufacturer opts to participate, specific regulatory requirements must be fulfilled in order to obtain a benefit under the NCP. Confidentiality of proprietary information is granted in accordance with the Freedom of Information Act, EPA regulations at 40 CFR part 2, and class determinations issued by EPA's Office of General Counsel. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement:

Respondents/Affected Entities: Engine manufacturers.

Estimated Number of Respondents: 6.

Frequency of Response: 49.

Estimated Total Annual Hour Burden: 920 hours.

Estimated Total Annualized Capital, O&M Cost Burden: $2400. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the

existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Dated: January 15, 2002.

Robert Brenner,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 02–2124 Filed 1–28–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7134–5]

Agency Information Collection Activities: Proposed Collection; Comment Request; Eliciting Risk Tradeoffs for Valuing Fatal Cancer Risks

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following proposed Information Collection Request (ICR) to the Office of Management and Budget (OMB): Eliciting Risk Tradeoffs for Valuing Fatal Cancer Risks, EPA ICR 2057.01. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before April 1, 2002.

ADDRESSES: Dr. Melonie Williams, National Center for Environmental Economics, US EPA, Mail Code 1809, 1200 Pennsylvania Ave. NW., Washington, DC, 20460. Interested persons may obtain a copy of the ICR without charge by contacting Dr. Williams at 202–260–7978 or *williams.melonie@epa.gov*.

FOR FURTHER INFORMATION CONTACT: Dr. Chris Dockins at 202–260–5728 or *dockins.chris@epa.gov*.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those individuals who are contacted and voluntarily agree to participate in the survey. The survey pool will be a pre-established panel of respondents who have been randomly recruited from the general public by Knowledge Networks, Inc. or other web-based survey research firm. Typically, respondents have agreed with the survey research firm to participate in periodic web-based surveys. None of the other surveys conducted by the firm administering this survey will be related to this study.

Title: Eliciting Risk Tradeoffs for Valuing Fatal Cancer Risks (EPA ICR No. 2057.01).

Abstract: It is widely recognized that reductions in cancer risks are among the most important and tangible benefits resulting from a variety of environmental, food safety and other public health initiatives. Nevertheless, assessing these benefits in monetary terms remains a challenge. In July 2000, the United States Environmental Protection Agency's (USEPA's) Science Advisory Board (SAB) concluded that most existing estimates valuing the benefits of reductions in mortality risks ''should not be taken as precise estimates for the value of reducing the risks of fatal cancers, because of differences in the nature of the risks being valued * * *.'' They also commended efforts ''to develop systematic and credible approaches to improved valuation of the benefits of fatal cancer risk reduction.'' (USEPA, 2000). The purpose of this proposed survey is to extend these efforts.

Through a cooperative agreement, EPA's Office of Policy, Economics and Innovation (OPEI) and Research Triangle Institute (RTI) have designed and are proposing to conduct a nationwide survey of adult individuals. The focus of this survey is to elicit their relative preferences for reducing two types of potentially very different mortality risks—risk of automobile death and risk of contracting a fatal cancer. The existing empirical literature on mortality risk values has focused almost exclusively on accidental (occupational and/or automobile) deaths, because individuals regularly reveal information on their values for avoiding these types of risks through job choices and consumer purchases. However, as the SAB has concluded, these values may not be directly applicable for valuing avoided cancer risks. In contrast to accidental deaths, fatal cancer risks may involve a long delay between exposure to a carcinogen and the first symptoms of disease (latency period), and death may only occur after several years of suffering with the disease (morbidity period).

The proposed survey will explore individuals' tradeoffs between the two types of risks. It will apply established stated preference research methods, and the resulting survey data will be used to estimate (1) how strongly individuals prefer reducing one type of risk over the other, (2) how this strength of preference is affected by the length of the morbidity and latency periods, (3) and how preferences differ across different types of cancer. These estimates will help to provide researchers and policy analysts with a systematic and credible basis for adjusting existing mortality risk values. Such adjustments will be particularly useful for assessing the benefits of reducing fatal cancer risks, but they will also be relevant in assessing the benefits of reducing other types of fatal risks that involve extended latency and/or morbidity periods.

The data collected through this survey will greatly benefit any agency or organization that has a role in protecting the public against fatal cancer risks and/or an interest in evaluating the resulting gains to society. Evaluations of this type are required under executive orders (Executive Order 12866) and a broad array of federal statutes, including the 1996 Safe Drinking Water Act (SDWA) Amendments, the Toxic Substances Control Act (TSCA), the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA), the Food Quality Protection Act (FQPA), and the Unfunded Mandates Reform Act (UMRA). Federal agencies with a particular interest in assessing the benefits of reductions in fatal cancer incidence include not only the USEPA, but the Department of Health and Human Services (DHHS) (especially the Food and Drug Administration [FDA]), the Department of Agriculture (USDA), the Office of Management and Budget(OMB), and the Congressional Budget Office(CBO) as well. Many agencies and departments must also evaluate the benefits of their own risk reduction policies. The methodology proposed for this research will also provide a model for future researchers with an interest in exploring individuals values and tradeoffs between different types of health improvements.

A thorough pretest of the survey will be conducted using 250 respondents. For the full scale survey, information will be collected from an additional 2000 respondents. The survey is designed to collect information through an established panel of respondents, using a WebTV mode of administration. The data will be collected and stored electronically by the survey research firm. Based on previous experience and a limited number of cognitive pretest interviews, each survey will take approximately 25 minutes.

Responses to the survey will be voluntary. Typically, panel members are free to choose whether or not to respond

to any particular survey as long as they meet survey quotas set in their agreement with the web-based survey research firm. In collaboration with Knowledge Networks, RTI has developed a plan for assuring the confidentiality of participants. Under this plan, the survey will fully conform to federal regulations—specifically, the Privacy Act of 1974 (5 U.S.C. 552a), Privacy Act Regulations (34 CFR part 5b), the Hawkins-Stafford Amendments of 1988 (Public Law 100–297), and the Computer Security Act of 1987. The plan for maintaining confidentiality includes signing confidentiality agreements and notarized nondisclosure affidavits obtained from all personnel who will have access to individual identifiers. Also included in the plan is personnel training regarding the meaning of confidentiality, particularly as it relates to handling requests for information and providing assurance to respondents about the protection of their responses; controlled and protected access to computer files under the control of a single data base manager; built-in safeguards concerning status monitoring and receipt control systems; and a secured and operator-manned in-house computing facility. Data files and documentation will be delivered to RTI and EPA at the end of the project, but no names or addresses will be included on any data file. A locator database for these sample members will be maintained by the survey research firm in a separate and secure location. All data collection elements and procedures will be reviewed by RTI's Committee for the Protection of Human Subjects. This committee serves as RTI's Institutional Review Board (IRB) as required by 45 CFR part 46. It is the policy of RTI that the IRB review all research involving human subjects in a manner consistent with the regulations in 45 CFR part 46 and regardless of funding source to ensure that all RTI studies involving human populations comply with applicable regulations concerning informed consent, confidentiality, and protection of privacy.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

The EPA would like to solicit comments in order to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Burden Statement: Because the proposed survey will take advantage of the existing and pre-recruited panel of WebTV respondents, the only burden imposed by the survey on respondents will be the time required to take the survey. Based on pretest interviews, the survey authors estimate that this will involve an average of 25 minutes per respondent. With 250 respondents for the pilot survey, and 2000 respondents for the full-scale survey, this will involve a total of 937.5 hours. Since the survey is a one-time collection, this represents both an annual and a total burden estimate. Based on an average hourly wage of $22.15 (including employer costs of all employee benefits), the survey authors expect that the average per-respondent cost for the pilot survey will be $9.23 and the corresponding one-time total cost to all respondents will be $20,765.00. Since this information collection is voluntary and does not involve any additional special equipment, respondents will not incur any capital or operation and maintenance (O&M) costs.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Dated: January 4, 2002.

Al McGartland,

Director, National Center for Environmental Economics, Office of Policy Economics and Innovation.

[FR Doc. 02–2126 Filed 1–28–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7135–1]

Official Release of the MOBILE6 Motor Vehicle Emissions Factor Model

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: EPA is approving and announcing the availability of the MOBILE6 motor vehicle emissions factor model for official use outside of California. MOBILE6 is the latest update to the MOBILE model for use by state and local governments to meet Clean Air Act requirements. Today's notice also starts time periods before MOBILE6 is required to be used in certain state implementation plan (SIP) revisions and all new transportation conformity analyses.

MOBILE6 is a major revision of the MOBILE model which calculates air pollution emission factors from passenger cars and trucks. The new model is based on new and improved data and a new understanding of vehicle emission processes. MOBILE6 is also a more user-friendly version of the model which allows users to better tailor their motor vehicle emissions estimates to local conditions.

EPA strongly encourages areas to use the interagency consultation process to examine how MOBILE6 will affect future transportation conformity determinations, so, if necessary, SIPs and motor vehicle emissions budgets can be revised with MOBILE6 or transportation plans and programs can be revised as appropriate prior to the end of the MOBILE6 conformity grace period.

DATES: EPA's approval of the MOBILE6 emissions factor model is effective January 29, 2002. See below for further information regarding how today's approval starts time periods after which MOBILE6 is required in new transportation conformity analyses and certain SIP and motor vehicle emissions budget revisions.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, please send an e-mail to EPA at *mobile@epa.gov* or contact EPA at (734) 214–4636 for technical model questions.

SUPPLEMENTARY INFORMATION:

Availability of MOBILE6 and Support Materials

Copies of the official version of the MOBILE6 model are available on EPA's MOBILE Web site, *http://www.epa.gov/otaq/m6.htm.* The MOBILE Web site also contains the following support materials for implementing the new model: a detailed MOBILE6 User's Guide; MOBILE6 training materials; EPA's ''Policy Guidance on the Use of MOBILE6 for SIP Development and Transportation Conformity'; EPA's ''Technical Guidance on the Use of MOBILE6 for Emission Inventory Preparation'; and a list of Frequently Asked Questions about MOBILE6. EPA will continue to update this website in the future as other MOBILE6 support materials are developed.

Individuals who wish to receive EPA announcements related to the MOBILE model should subscribe to the EPA-MOBILENEWS e-mail listserver. To subscribe to the EPA-MOBILENEWS listserver, write the following in the body of the e-mail message: subscribe EPA-MOBILENEWS FIRSTNAME LASTNAME where FIRSTNAME and LASTNAME is your name (for example: John Smith) and send the e-mail to the EPA Listserver at *listserver@unixmail.rtpnc.epa.gov.*

Your e-mail address will then be added to the list of subscribers and a confirmation message will be sent to your e-mail address. Whenever a message is posted to the EPA-MOBILENEWS listserver by the listserver owner (the Assessment and Standards Division of the EPA Office of Transportation and Air Quality), a copy of that message will be sent to every person who has subscribed.

You can remove yourself from the list by sending another message to the listserver address. This message must be sent from the same e-mail address that you used to subscribe, and should contain the message: unsubscribe EPA-MOBILENEWS

Availability of Related SIP Policies

In November 1999, EPA issued two memoranda articulating the policy for use of interim MOBILE5-based Tier 2 estimates and subsequent MOBILE6 SIP revisions. These memoranda are discussed in question 3 of EPA's ''Policy Guidance on the Use of MOBILE6 for SIP Development and Transportation Conformity.'' Copies of the memoranda are available at EPA's transportation conformity Web site, *http://www.epa.gov/otaq/transp/traqconf.htm.*

I. What Is MOBILE6?

MOBILE is an EPA emissions factor model for estimating pollution from on-road motor vehicles in states outside of California. MOBILE calculates emissions of volatile organic compounds (VOCs), nitrogen oxides (NO_X) and carbon monoxide (CO) from passenger cars, motorcycles, buses, and light-duty and heavy-duty trucks. The model accounts for the emission impacts of factors such as changes in vehicle emission standards, changes in vehicle populations and activity, and variation in local conditions such as temperature, humidity, fuel quality, and air quality programs.

MOBILE is used to calculate current and future inventories of motor vehicle emissions at the national and local level. These inventories are used to make decisions about air pollution policies and programs at the local, state and national level. Inventories based on MOBILE are also used to meet the federal Clean Air Act's state implementation plan (SIP) and transportation conformity requirements.

MOBILE6 is the first major update of the MOBILE model since 1993. The MOBILE model was first developed in 1978. It has been updated many times to reflect changes in the vehicle fleet and fuels, to incorporate EPA's growing understanding of vehicle emissions, and to cover new emissions regulations and modeling needs. Although some minor updates were made in 1996 with the release of MOBILE5b, MOBILE6 is the first major revision to MOBILE since MOBILE5a was released in 1993.

EPA produced 48 technical reports explaining the data and analysis behind the MOBILE6 estimates and the methods in the model. State and local governments, industry, academia, and the general public were previously offered an opportunity to comment on MOBILE6 technical reports, which are currently posted on EPA's MOBILE6 Web site *http://www.epa.gov/otaq/m6.htm.*

MOBILE6 provides many more options for users to incorporate local inputs than were possible in MOBILE5a or MOBILE5b. These new options are provided for implementers to use if desired, and MOBILE6 defaults are appropriate when local information is not available for MOBILE6 purposes. Users now have the option to adapt MOBILE to local conditions and model special situations that are not reflected in the model's defaults. MOBILE6 also has an updated structure that allows users to create result files with emissions by hour of the day, and to segregate start and running emissions. The new output uses standard database formats to allow users to easily post-process their results. These features will be useful for entering the emissions data into air quality models and other tools that make use of motor vehicle emission inventories. For further information regarding operating MOBILE6, please refer to the MOBILE6 User's Guide and EPA's ''Technical Guidance on the Use of MOBILE6 for Emission Inventory Preparation.'' Please see *Availability of MOBILE6 and Support Materials* for how to obtain these documents.

II. SIP Policy for MOBILE6

EPA has articulated its policy regarding the use of MOBILE6 in SIP development in its ''Policy Guidance on the Use of MOBILE6 for SIP Development and Transportation Conformity.'' Today's notice highlights certain aspects of the guidance, but state and local governments should refer to the guidance for more detailed information on how and when to use MOBILE6 in attainment and maintenance SIPs, inventory updates, and other SIP submission requirements. See *Availability of Related SIP Policies* to obtain the MOBILE6 policy guidance.

Although MOBILE6 should be used in SIP development as expeditiously as possible, EPA also recognizes the time and level of effort that States have already undertaken in SIP development with MOBILE5. States that have already submitted SIPs or will submit SIPs shortly after EPA's approval of MOBILE6 are not required to revise these SIPs simply because a new motor vehicle emissions model is now available. States can choose to use MOBILE6 in these SIPs, for example, if it is determined that future conformity determinations would be ensured through such a SIP revision. However, EPA does not believe that a State's use of MOBILE5 should be an obstacle to EPA approval for SIPs that have been or will soon be submitted, assuming that such SIPs are otherwise approvable and significant SIP work has already occurred (*e.g.,* attainment modeling for an attainment SIP has already been completed with MOBILE5). It would be unreasonable to require States to revise these SIPs with MOBILE6 since significant work has already occurred, and EPA intends to act on these SIPs in a timely manner.

States should use MOBILE6 where SIP development is in its initial stages or hasn't progressed far enough along that switching to MOBILE6 would create a significantly adverse impact on State resources. For example, SIPs that will be submitted later in 2002 should be based on MOBILE6 since there is

adequate time to incorporate the new model's results. MOBILE6 should be incorporated into these SIPs since MOBILE6's emissions estimates are based on the best information currently available, as required by Clean Air Act section 172(c)(3) and 40 CFR 51.112(a)(1).

In addition, SIPs that EPA has already approved are not required to be revised in most areas now that EPA has approved MOBILE6. As discussed below, there are exceptions for certain nonattainment and maintenance areas that have included interim MOBILE5-based estimates of the federal Tier 2 vehicle and fuel standards (65 FR 6698).

In November of 1999, EPA issued two memoranda [1] to articulate its policy regarding States that incorporated MOBILE5-based interim Tier 2 standard benefits into their SIPs and motor vehicle emissions budgets (''budgets''). Although these memoranda primarily targeted certain serious and severe ozone nonattainment areas, EPA has implemented this policy in all other areas that have made use of federal Tier 2 benefits in air quality plans from EPA's April 2000 MOBILE5 guidance, ''MOBILE5 Information Sheet #8: Tier 2 Benefits Using MOBILE5.''

All States whose attainment demonstrations or maintenance plans include interim estimates of the Tier 2 standards have committed to revise and resubmit their budgets within either 1 or 2 years of the final release of MOBILE6 in order to gain SIP approval. States that committed to revise their budgets within 2 years after MOBILE6 is released also committed that conformity will not be determined during the second year unless there are adequate SIP budgets in place that were developed using MOBILE6. The effective date of today's **Federal Register** notice will constitute the start of the 1 or 2-year time periods for these SIP revisions. SIP revisions are due by January 29, 2003, for States that committed to revise budgets within one year of MOBILE6's release. SIP revisions are due by January 29, 2004, for States that committed to revise budgets within two years of MOBILE6's release.

III. Transportation Conformity Policy for MOBILE6

Transportation conformity is a Clean Air Act requirement to ensure that federally supported highway and transit activities are consistent with (''conform to'') the SIP. Conformity to a SIP means that a transportation activity will not cause or contribute to new air pollution violations; worsen existing violations; or delay timely attainment of federal air quality standards.

The transportation conformity rule (40 CFR part 93) requires that conformity analyses be based on the latest motor vehicle emissions model approved by EPA. Section 176(c)(1) of the Clean Air Act states that ''. . . [t]he determination of conformity shall be based on the most recent estimates of emissions, and such estimates shall be determined from the most recent population, employment, travel, and congestion estimates. . . .'' When we approve a new emissions model such as MOBILE6, a grace period is established before the model is required for conformity analyses. The conformity rule provides for a grace period for new emissions models of between 3–24 months.

EPA articulated its intentions for establishing the length of a conformity grace period in the preamble to the 1993 transportation conformity rule (58 FR 62211):

> EPA and [the Department of Transportation (DOT)] will consider extending the grace period if the effects of the new emissions model are so significant that previous SIP demonstrations of what emission levels are consistent with attainment would be substantially affected. In such cases, States should have an opportunity to revise their SIPs before MPOs must use the model's new emissions factors.

In consultation with the DOT, EPA considers many factors in establishing the length of the grace period, including the degree of change in emissions models and the effects of the new model on the transportation planning process (40 CFR 93.111).

Upon consideration of all of these factors, EPA is establishing a 2-year grace period, which begins today and ends on January 29, 2004, before MOBILE6 is required for new conformity analyses in most cases. During this grace period, areas should use the interagency consultation process to examine how MOBILE6 will impact their future conformity determinations.

However, the grace period will be shorter than 2 years for a given pollutant if an area revises its SIP and budgets with MOBILE6 and such budgets become applicable for conformity purposes prior to the end of the 2-year grace period. For example, if an area revises a previously submitted (but not approved) MOBILE5-based ozone SIP with MOBILE6 and EPA finds the revised MOBILE6 budgets adequate for conformity, such budgets would apply for conformity on the effective date of the **Federal Register** notice announcing EPA's adequacy finding. In this example, if an area was in nonattainment for ozone and CO, the MOBILE6 grace period would end for ozone once EPA found the new MOBILE6-based ozone SIP budgets adequate, but MOBILE5 could continue to be used for CO conformity determinations until the end of the general MOBILE6 grace period.

During the grace period, areas can use an approved version of MOBILE5 [2] for conformity determinations or choose to use MOBILE6 on a faster time frame. When the grace period ends on January 29, 2004, MOBILE6 will become the only approved motor vehicle emissions model for new transportation conformity analyses outside of California. In general, this means that all new VOC, NO_X, and CO conformity analyses started after the end of the 2-year grace period must be based on MOBILE6, even if the SIP is based on an earlier version of the MOBILE model. As discussed above, the grace period for new conformity analyses would be shorter for a given pollutant if an area revised its SIP and budgets with MOBILE6 for such pollutant and such budgets became applicable for conformity purposes prior to the end of the 2-year grace period. EPA strongly encourages areas to use the consultation process to examine how MOBILE6 will affect future conformity determinations, so, if necessary, SIPs and budgets can be revised with MOBILE6 or transportation plans and programs can be revised as appropriate prior to the end of the grace period.

For consistency purposes, EPA encourages areas that have incorporated interim MOBILE5-based Tier 2 estimates into their SIPs to continue to use MOBILE5 (instead of MOBILE6) for conformity analyses until new MOBILE6 budgets are submitted and found adequate (unless the grace period ends before this occurs). These areas have committed to submit SIP revisions within 1–2 years of MOBILE6's release, therefore conformity budgets based on MOBILE6 should be in place by the end of the grace period.

Finally, the conformity rule provides some flexibility for analyses that are started before or during the grace period. Regional conformity analyses

[1] November 3, 1999 EPA memorandum entitled, ''Guidance on Motor Vehicle Emissions Budgets in One-Hour Ozone Attainment Demonstrations,'' and November 8, 1999 EPA memorandum entitled, ''1-Hour Ozone Attainment Demonstrations and Tier 2/Sulfur Rulemaking.'' Please see *Availability of Related SIP Policies* for how to obtain these memoranda.

[2] Please refer to EPA's Office of Transportation and Air Quality's August 11, 1997 memorandum entitled, ''Summary of Comments on and Guidance for Use of MOBILE5b,'' which describes our policy on when MOBILE5a or 5b can be used in conformity determinations.

that began before the end of the grace period may continue to rely on an approved version of MOBILE5. Conformity determinations for transportation projects may also be based on an approved version of MOBILE5 if the regional analysis was begun before the end of the grace period, and if the final environmental document for the project is issued no more than three years after the issuance of the draft environmental document (*see* 40 CFR 93.111(c)). The interagency consultation process should be used if it is unclear whether a MOBILE5-based analysis was begun before the end of the grace period.

Dated: January 23, 2002.

Margo Tsirigotis Oge,

Director, Office of Transportation and Air Quality, United States Environmental Protection Agency.

[FR Doc. 02–2125 Filed 1–28–02; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY:

Background.—On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act, as per 5 CFR 1320.16, to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320 Appendix A.1. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the OMB 83–Is and supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Request for comment on information collection proposals.—The following information collections, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collections, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected; and

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments must be submitted on or before April 1, 2002.

ADDRESSES: Comments may be mailed to Ms. Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551. However, because paper mail in the Washington area and at the Board of Governors is subject to delay, please consider submitting your comments by e-mail to *regs.comments@federalreserve.gov*, or faxing them to the Office of the Secretary at 202–452–3819 or 202–452–3102. Comments addressed to Ms. Johnson may also be delivered to the Board's mail facility in the West Courtyard between 8:45 a.m. and 5:15 p.m., located on 21st Street between Constitution Avenue and C Street, NW. Members of the public may inspect comments in Room MP–500 between 9 a.m. and 5 p.m. on weekdays pursuant to 261.12, except as provided in 261.14, of the Board's Rules Regarding Availability of Information, 12 CFR 261.12 and 261.14.

A copy of the comments may also be submitted to the OMB desk officer for the Board: Alexander T. Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form and instructions, the Paperwork Reduction Act Submission (OMB 83–I), supporting statement, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below.

Mary M. West, Federal Reserve Board Clearance Officer, (202) 452–3829, Division of Research and Statistics, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may contact Capria Mitchell (202) 872–4984, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551.

Proposal To Approve Under OMB Delegated Authority the Extension for Three Years, Without Revision, of the Following Reports

1. *Report titles:* Registration Statement for Persons Who Extend Credit Secured by Margin Stock (Other Than Banks, Brokers, or Dealers); Deregistration Statement for Persons Registered Pursuant to Regulation U; Statement of Purpose for an Extension of Credit Secured by Margin Stock by a Person Subject to Registration Under Regulation U; Annual Report; Statement of Purpose for an Extension of Credit by a Creditor; and Statement of Purpose for an Extension of Credit Secured by Margin Stock.

Agency form numbers: FR G–1, FR G–2, FR G–3, FR G–4, FR T–4, FR U–1.

OMB control numbers: 7100–0011: FR G–1, FR G–2, FR G–4; 7100–0018: FR G–3; 7100–0019: FR T–4; and 7100–0115: FR U–1.

Frequency: FR G–1, FR G–2, FR G–3, FR T–4, and FR U–1: on occasion FR G–4: annual.

Reporters: Individuals and business.

Annual reporting hours: 1,901 reporting; 252,978 recordkeeping.

Estimated average hours per response: FR G–1: 2.5 hours; FR G–2: 15 minutes; FR G–3: 10 minutes; FR G–4: 2.0 hours; FR T–4: 10 minutes; and FR U–1: 10 minutes.

Number of respondents: FR G–1: 98; FR G–2: 65; FR G–3: 500; FR G–4: 820; FR T–4: 250; and FR U–1: 6,971.

Small businesses are affected.

General description of report: These information collections are mandatory (15 U.S.C. 78g). The information in the FR G–1 and FR G–4 is given confidential treatment (5 U.S.C. 552(b)(4)). The FR G–2 does not contain confidential information. The FR G–3, FR T–4, and FR U–1 are not submitted to the Federal Reserve and, as such, no issue of confidentiality arises.

Abstract: The Securities Exchange Act of 1934 ('34 Act) authorizes the Board to regulate securities credit issued by banks, brokers and dealers, and other lenders. The purpose statements, FR U–

1, FR T–4, and FR G–3, are recordkeeping requirements for banks, brokers and dealers, and other lenders, respectively, to document the purpose of their loans secured by margin stock. Other lenders also must register and deregister with the Federal Reserve using the FR G–1 and FR G–2, respectively, and must file an annual report (FR G–4). The Federal Reserve uses the data to identify lenders subject to Regulation U, to verify compliance with Regulations T, U, and X, and to monitor margin credit.

Proposal To Approve Under OMB Delegated Authority the Extension for Three Years, With Revision, of the Following Reports

1. *Report title:* Annual Daylight Overdraft Capital Report for U.S. Branches and Agencies of Foreign Banks.

Agency form number: FR 2225.

OMB control number: 7100–0216.

Frequency: Annual.

Reporters: Foreign banks with U.S. branches or agencies.

Annual reporting hours: 44.

Estimated average hours per response: 1.0.

Number of respondents: 44.

Small businesses are not affected.

General description of report: This information collection is voluntary (12 U.S.C. 248(i), 248–1, and 464) and is not given confidential treatment.

Abstract: This report was implemented in March 1986 as part of the procedures used to administer the Federal Reserve Board's Payments System Risk (PSR) policy. A key component of the PSR policy is a limit, or a net debit cap, on an institution's negative intraday balance in its Federal Reserve account. The Federal Reserve calculates an institution's net debit cap by applying the multiple associated with the net debit cap category to the institution's capital. For foreign banking organizations (FBOs), a percentage of the FBO's capital measure, known as the U.S. capital equivalency, is used to calculate the FBO's net debit cap. Currently, an FBO with U.S. branches or agencies may voluntarily file the FR 2225 to provide the Federal Reserve with its capital measure. Because an FBO that files the FR 2225 may be able to use its total capital in the net debit cap calculation, an FBO seeking to maximize its daylight overdraft capacity may find it advantageous to file the FR 2225. An FBO that does not file FR 2225 may use an alternative capital measure based on its nonrelated liabilities.

Current Actions: The Federal Reserve Board has revised its PSR policy regarding the calculation of an FBO's net debit cap, described in detail in the **Federal Register** notice published December 13, 2001 (66 FR 64419). The revised PSR policy modifies the criteria used to determine the U.S. capital equivalency for an FBO. There are no changes to the FR 2225 reporting form; however, the reporting instructions would be modified to correspond with the revised policy. The proposed revisions to the FR 2225 instructions would be effective during the first quarter of 2002 and are summarized below.

The revised PSR policy (1) eliminates the Basle Capital Accord (BCA) criteria and replaces it with the strength of support assessment (SOSA) rankings and financial holding company (FHC) status in determining U.S. capital equivalency for an FBO, (2) raises the percentage of capital used in calculating U.S. capital equivalency for certain FBOs, and (3) revises the definition of an alternative measure for U.S. capital equivalency. The SOSA ranking is composed of four factors, including the FBO's financial condition and prospects, the system of supervision in the FBO's home country, the record of the home country's government in support of the banking system or other sources of support for the FBO; and transfer risk concerns. Transfer risk relates to the FBO's ability to access and transmit U.S. dollars, which is an essential factor in determining whether an FBO can support its U.S. operations. The SOSA ranking is based on a scale of 1 through 3, with 1 representing the lowest level of supervisory concern.

Specifically, the revised PSR policy allows U.S. capital equivalency to equal the following:

- 35 percent of capital for FBOs that are FHCs;
- 25 percent of capital for FBOs that are not FHCs and have a strength of support assessment ranking (SOSA) of 1;
- 10 percent of capital for FBOs that are not FHCs and are ranked a SOSA 2;
- 5 percent of ''net due to related depository institutions'' for FBOs that are not FHCs and are ranked a SOSA 3.

2. *Report title:* Report of Net Debit Cap

Agency form number: FR 2226.

OMB control number: 7100–0217.

Frequency: Annual.

Reporters: depository institutions, Edge and agreement corporations, U.S. branches and agencies of foreign banks.

Annual reporting hours: 1,902.

Estimated average hours per response: 1.0.

Number of respondents: 1,902.

Small businesses are not affected.

General description of report: This information collection is mandatory (12 U.S.C. 248(i), 248-l, and 464) and may be accorded confidential treatment under the Freedom of Information Act (5 U.S.C. 552 (b)(4)).

Abstract: The Federal Reserve Board's Payment System Risk (PSR) policy relies in part on the efforts of individual institutions to identify, control, and reduce their exposure. The Federal Reserve collects these resolutions annually to provide information that is essential for their administration of the PSR policy. The Report of Net Debit Cap currently comprises three resolutions, located in Appendix B of the *Guide to the Federal Reserve's Payments System Risk Policy,* which are filed by an institution's board of directors depending on the institution's needs. Two of the three resolutions are used by institutions to establish a capacity for daylight overdrafts that is greater than the capacity that is typically assigned by a Reserve Bank. The first resolution is used to establish a self-assessed net debit cap, whereas the second resolution is used to establish a de minimis net debit cap. The third resolution is used by institutions to establish an interaffiliate transfer arrangement.

Current Actions: The Federal Reserve Board has revised its PSR policy regarding additional collateralized capacity and interaffiliate transfer arrangements described in detail in the **Federal Register** notice published December 13, 2001 (66 FR 64419). The Federal Reserve proposes to add a two-part model resolution to Appendix B used to establish additional collateralized capacity and eliminate the model resolution used to establish an interaffiliate transfer arrangement. In addition, the order of the model resolutions in Appendix B would be changed. The proposed revisions are described below in detail and would be effective during the first quarter of 2002.

Proposed Revisions to Appendix B

- *Collateralized Capacity* (3a)—Depository institutions with self-assessed net debit caps that request additional daylight overdraft capacity must submit, to their Administrative Reserve Banks, written justification to support the request for the additional capacity. In evaluating a depository institution's request, the Administrative Reserve Bank will review the institution's daylight overdraft levels and financial condition. If the Administrative Reserve Bank approves the request, the depository institution will need to file the proposed collateralized capacity resolution. This proposed resolution was designed to specify the amount, if any, of Reserve

Bank approved collateral pledged and the maximum daylight overdraft capacity amount.

• *Collateralized Capacity: Supplement for Securities In-transit* (3b)—If a depository institution has been approved to receive additional collateralized daylight overdraft capacity and pledges securities in transit to support the additional capacity, the depository institution would need to file a new resolution 3b. The Administrative Reserve Bank may accept securities in transit on the Fedwire book-entry securities system as collateral to support an institution's maximum daylight overdraft capacity level. Securities in transit refer to book-entry securities transferred over Fedwire's National Book-Entry System that have been purchased by a depository institution, but not yet paid for and owned by the institution's customers. In transit collateral differs from stable pool collateral in that the value of in transit collateral regularly fluctuates intraday where as the value of stable pool generally does not.

• *Inter-Affiliate Transfer Arrangements*—The rescission of the interaffiliate transfer policy rule is effective on December 31, 2001, at which time depository institutions would no longer be required to submit a resolution to establish an interaffiliate agreement.

The order of the model resolutions located in Appendix B would be changed to:

• De Minimis Cap;
• Self-Assessment Cap;
• Collateralized Capacity (3a);
• Collateralized Capacity: Supplement for Securities In-transit (3b);

3. *Report titles:* Application for Prior Approval to Become a Bank Holding Company, or for a Bank Holding Company to Acquire an Additional Bank or Bank Holding Company; Notice for Prior Approval to Become a Bank Holding Company, or for a Bank Holding Company to Acquire an Additional Bank or Bank Holding Company; and Notification for Prior Approval to Engage Directly or Indirectly in Certain Nonbanking Activities.

Agency form numbers: FR Y–3, FR Y–3N, and FR Y–4.

OMB control number: 7100–0121.

Frequency: Event-generated.

Reporters: Corporations seeking to become bank holding companies, or bank holding companies and state chartered banks that are members of the Federal Reserve System.

Annual reporting hours: 22,003.

Estimated average hours per response: FR Y–3, Section 3(a)(1): 49 hours; FR Y–3, Section 3(a)(3) and 3(a)(5): 59.5 hours; FR Y–3N, Sections 3(a)(1), 3(a)(3), and 3(a)(5): 5 hours; FR Y–4, complete notification: 12 hours; FR Y–4, expedited notification: 5 hours; and FR Y–4, post-consummation: 0.5 hours.

Number of respondents: 823.

Small businesses are affected.

General description of reports: This information collection is mandatory (12 U.S.C. 1842(a)(1), 1844(c), and 1843(c)(8)) and may be accorded confidential treatment under the Freedom of Information Act (5 U.S.C. 552 (b)(4)).

Abstract: The Federal Reserve requires the application and the notifications for regulatory and supervisory purposes and to allow the Federal Reserve to fulfill its statutory obligations under the Bank Holding Company Act of 1956 (the BHC Act). The forms collect information concerning proposed BHC formations, acquisitions, and mergers, and proposed nonbanking activities. The Federal Reserve must obtain this information to evaluate each individual transaction with respect to permissibility, competitive effects, adequacy of financial and managerial resources, net public benefits, and impact on the convenience and needs of affected communities.

Current Actions: Most of the proposed additions and substitutions to the FR Y–3 and the FR Y–3N and the proposed deletions to the FR Y–4 are necessary because of the passage of the Gramm-Leach-Bliley Act (GLB Act) in 1999. These proposed revisions are necessary since the organization submitting the filing may be seeking to become or already may be a financial holding company (FHC). The proposed revisions point out additional requirements that may apply to those types of organizations. The remaining proposed revisions to the FR Y–3 and the FR Y–3N are technical in nature and attempt to (1) further clarify the current application requirements for banking organizations, (2) ensure consistency of phrasing within the form, and, in several instances, (3) simply suggest effective means (such as early contact with the appropriate Reserve Bank) that generally reduce or avoid potential processing delays in the application process. The proposed revisions are discussed in detail below.

FR Y–3

The Instructions to the FR Y–3 would be modified to reflect that the applicant may either be, or seek to become, a FHC in connection with the proposed transaction. One of the proposed revisions directs the applicant to those portions of Regulation Y (sections 225.81 and 225.82, or sections 225.90, 225.91, and 225.92) that outline the requirements for a declaration that may be included as part of a FR Y–3 filing. Another proposed revision recognizes the need for a FHC, seeking to acquire a depository institution that is not well-capitalized or well-managed, to contact the appropriate Reserve Bank regarding the development and execution of an acceptable supervisory agreement. An agreement acceptable to the Board must outline the actions to be taken to address the target's deficiencies and outline any other limitations on the activities of the applicant that would apply until those deficiencies are satisfactorily addressed. Early contact regarding this requirement generally reduces overall burden on the applicant organization and avoids potential processing delays. Another proposed revision (question 11) recognizes the broader range of nonbanking activities (and related new authorities) that a BHC may initiate through a proposed transaction if it also is a FHC.

The proposed changes to the ''Preparation of Application'' section clarifies that applications may be formally accepted for processing when substantially complete (rather than complete). In an effort to reduce uncertainty and ensure consistent financial information, the proposed new section also directs users of the FR Y–3 to the Interagency Biographical and Financial Report (FR 2081c; OMB No. 7100–0134), which was issued in 2000 for the collection of personal data on individuals involved in banking proposals.

The ''Preliminary Charter Approval'' section would be expanded to encourage early contact with the appropriate Reserve Bank during the chartering process. Early contact regarding such proposals has generally facilitated the review of applications and resulted in shorter processing periods.

The ''Competitive and Convenience and Needs'' section (questions 10 and 11) would be modified to reflect the current standards and approaches with respect to competitive analysis, including the importance of specific products and markets.

The remaining proposed changes are clarifications intended to make the FR Y–3 internally consistent with respect to wording.

FR Y–3N

The proposed revisions primarily are limited to one new section in the

instructions that recognizes that the applicant may either be or seek to become a FHC. The brief section recognizes the need for a related declaration if the notificant also seeks to become a FHC and also recognizes that the streamlined procedures of the FR Y–3N procedures may not be appropriate for foreign banking organizations seeking to become FHCs or for FHCs seeking to acquire an insured depository that is not well capitalized or well managed. The proposed revisions also would delete a reference to using the form for proposals involving the acquisition of nonbank insured depository institutions.

FR Y–4

The proposed modifications to the FR Y–4 form include two deletions that became necessary when the GLB Act eliminated the Board's ability to approve new nonbanking activities under section 4(c)(8) of the BHC Act. Both proposed deletions refer to activities not previously approved by the Board. The other proposed revisions clarify the additional information and publication requirements that must be satisfied if the proposal involves a nonbank insured depository institution. No other revisions are necessary as the overall standards applicable to notifications filed under section 4(c)(8) of the BHC Act otherwise remain the same.

Board of Governors of the Federal Reserve System, January 23, 2002.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 02–2108 Filed 1–28–02; 8:45 am]

BILLING CODE 6210–02–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than February 12, 2002.

Federal Reserve Bank of Kansas City (Susan Zubradt, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

Romayne S. Baker, Jr., Enid, Oklahoma; to retain voting shares of Central Service Corporation, Enid, Oklahoma, and thereby indirectly retain voting shares of Central National Bank & Trust Company, Enid, Oklahoma.

Board of Governors of the Federal Reserve System, January 23, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–2110 Filed 1–28–02; 8:45 am]

BILLING CODE 6210–02–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 22, 2002.

A. Federal Reserve Bank of Atlanta (Cynthia C. Goodwin, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30309–4470:

1. The Colonial BancGroup, Inc., Montgomery, Alabama; to merge with Mercantile Bancorp, Inc., Dallas, Texas, and thereby indirectly acquire First Mercantile Bank, N.A., Dallas, Texas.

Board of Governors of the Federal Reserve System, January 23, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–2109 Filed 1–28–02; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

TIME AND DATE: 11 a.m., Monday, February 4, 2002.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

FOR MORE INFORMATION PLEASE CONTACT: Michelle Smith, Assistant to the Board at 202–452–2955.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: January 25, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–2220 Filed 1–25–02; 11:53 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Delegation of Authority To Disclose Certain Nonpublic Information to Australian Law Enforcement Agencies

AGENCY: Federal Trade Commission.

ACTION: Delegation of Authority.

SUMMARY: The Commission has delegated authority to the Associate

Director of the Division of Planning and Information to share certain non-public information with Australian agencies.

EFFECTIVE DATE: January 18, 2002.

FOR FURTHER INFORMATION CONTACT: Maneesha Mithal, Attorney, Division of Planning and Information, 202–326–2771, *mmithal@ftc.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given, pursuant to Reorganization Plan No. 4 of 1961, 26 FR 6191, that the Commission has delegated to the Associate Director for Planning and Information the authority to disclose information contained in the Consumer Sentinel database of consumer complaints and law enforcement information to Australian law enforcement agencies. (The Commission has already delegated authority to the Associate Director for Planning and Information to share information, including information in Consumer Sentinel, with the Australian Competition and Consumer Commission. 65 FR 64,950 (Oct. 31, 2000). The current delegation is for sharing information in Consumer Sentinel with additional Australian agencies.)

This delegation does not apply to competition-related investigations. When exercising its authority under this delegation, staff will require from the relevant foreign law enforcement agency assurances of confidentiality. Disclosures shall be made only to the extent consistent with limitations on disclosure, including section 6(f) of the FTC Act, 15 U.S.C. 46(f), section 21 of the Act, 15 U.S.C. 57b–2, and Commission Rule 4.10(d), 16 CFR 4.10(d), and with the Commission's enforcement policies and other important interests.[1]

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 02–2113 Filed 1–28–02; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

Trans #	Acquiring	Acquired	Entities
TRANSACTIONS GRANTED EARLY TERMINATION—01/07/2002			
20020227	Jean Coutu	Albertson's Inc	Albertson's Inc.
20020245	R.J. Reynolds Tobacco Holdings, Inc	Sante Fe Natural Tobacco Company, Inc.	Sante Fe Natural Tobacco Company, Inc.
20020256	Tellabs, Inc	Ocular Networks, Inc	Ocular Networks, Inc.
20020258	Biovail Corporation	Solvay S.A	Solvay Pharmaceuticals Marketing and Licensing AG.
TRANSACTIONS GRANTED EARLY TERMINATION—01/09/2002			
20012259	Philip F. Anschutz	Regal Cinemas, Inc	Regal Cinemas, Inc.
20012260	OCM Principal Opportunities Fund II, L.P.	Regal Cinemas, Inc	Regal Cinemas, Inc.
20020272	Mars Inc	BNP Paribas	Royal Canin SA.
20020280	Level 3 Communications, Inc	McLeodUSA Incorporated	McLeonUSA Information Services, Inc. McLeonUSA Purchasing L.L.C. McLeonUSA Telecommunications Services, Inc.
20020281	Arthur L. Allen	Landmark Systems Corporation	Landmark Systems Corporation.
20020292	VeriSign, Inc	LiveWire Systems, L.L.C	LiveWire Corporation.
20020293	LiveWire Systems, L.L.C	VeriSign, Inc	VeriSign, Inc.
20020296	D&E Communications, Inc	Conestoga Enterprises, Inc	Conestoga Enterprises, Inc.
20020300	Greenwich Street Capital Partners, II, L.P.	Moore Corporation Limited	Moore Corporation Limited.
TRANSACTIONS GRANTED EARLY TERMINATION—01/14/2002			
20020266	Millennium Pharmaceuticals, Inc	COR Therapeutics, Inc	COR Therapeutics, Inc.
20020273	Lattice Semiconductor Corporation	Lucent Technologies, Inc	Agere Systems, Inc.
20020277	Vivendi Universal, S.A	Charles W. Ergen	EchoStar Communications Corporation.
20020288	General Electric Company	Berwind LLC	Interlogix, Inc.
20020301	CSG Systems International, Inc	Lucent Technologies Inc	Lucent Technologies Inc.
20020303	Capital Z Partners, Ltd	PXRE Group Ltd	PXRE Group Ltd.
20020307	General Electric Company	Security Capital Group Incorporated	Security Capital Group Incorporated.

[1] The Associate Director is responsible for ensuring the confidentiality of the information contained in the Consumer Sentinel Network and, in appropriate circumstances, for authorizing participants to make further disclosures of the material in response to requests for access or compulsory process.

Trans #	Acquiring	Acquired	Entities
20020308	Pharmaceutical Resources, Inc	Samuel J. Heyman	ISP Chemicals Inc. ISP Hungary Holdings Ltd. ISP Investments Inc. ISP Technologies Inc.
20020309	Washington Mutual, Inc	National Australia Bank Limited	CFC, Inc. HMC Financial, Inc. Homeside Funding Corporation. Homeside International, Inc. Homeside Lending, Inc. Homeside Solutions, Inc. HSL Realty Tax Services Corporation. SWD Properties, Inc.
20020311	Advent Software, Inc	Kinexus Corporation	Kinexus Corporation.
20020313	The Goldman Sachs Group, Inc	Thomas F. McGowan	Hilary, L.L.C. TFM Investment Group.
TRANSACTIONS GRANTED EARLY TERMINATION—01/16/2002			
20020289	NEC Corporation	Tokin Corporation	Tokin Corporation.
20020304	Danaher Corporation	Marconi plc	Marconi Commerce Systems Limited. Marconi commerce Systems, Inc.
20020305	Ralcorp Holdings, Inc	David L. & DeAnn R. Stone	Lofthouse Foods Incorporated.
TRANSACTIONS GRANTED EARLY TERMINATION—01/18/2002			
20020200	General Electric Company	Donald E. Bently	Bently Nevada Corporation.
20020350	Verizon Communications Inc	Verizon Communications Inc	Telecommunications de Puerto Rico, Inc.

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay or Chandra L, Kennedy, Contact Representative, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room 303, Washington, DC 20580, (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 02–2114 Filed 1–28–02; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics: Meeting

Pursuant to the Federal Advisory Committee Act, the U.S. Department of Health and Human Services announces the following federal advisory committee meeting.

Name: National Committee on Vital and Health Statistics. Subcommittee on Standards and Security.

Time and Date: 8:30 A.M. to 5 P.M., February 6, 2002, 8:30 A.M. to 1 P.M., February 7, 2002.

Place: J.W. Marriott Hotel, 1331 Pennsylvania Avenue, NW., Washington, DC, Telephone (202) 393–2000.

Status: Open.

Purpose: On February 6, the Subcommittee on Standards and Security of the National Committee on Vital and Health Statistics (NCVHS) will hear testimony from invited panels of experts on issues related to current Health Insurance Portability and Accountability Act medical data code sets and any gaps in their coverage. On February 7, the Subcommittee will hear testimony from panels of experts and discuss approaches to the model form for covered entities to use in submitting HIPAA compliance extension plans pursuant to Public Law 107–105. Individuals and affected parties interested in providing testimony during the panel discussions should contact Vivian Auld (*auld@nlm.nih.gov*), telephone (301) 496–7974.

FOR FURTHER INFORMATION CONTACT: Substantive information about the planned meetings may be obtained from Karen Trudel, Senior Technical Adviser, Security and Standards Group, Centers for Medicare and Medicaid Services. MS: N2–14–17, 7500 Security Boulevard, Baltimore, Maryland 21244–1850, telephone (410) 786–9937, or Marjorie Greenberg, Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Prevention and Control, Room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone (301) 458–4245. Information also is available on the NCVHS Web site: *http://www.ncvhs.hhs.gov/*, where the agenda for the meeting will be posted when available.

Dated: January 18, 2002.

James Scanlon,

Director, Division of Data Policy, Office of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 02–2061 Filed 1–28–02; 8:45 am]

BILLING CODE 4151–05–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Board on Radiation and Worker Health: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting.

Name: Advisory Board on Radiation and Worker Health (ABRWH) Teleconference.

Time and Date: 1:00 p.m.—3:00 p.m., February 5, 2002.

Place: Teleconference call will originate at the Centers for Disease Control and Prevention, National Institutes for Occupational Safety and Health, Atlanta, Georgia. Please see **SUPPLEMENTARY INFORMATION** for details on accessing the teleconference.

Status: Open to the public, teleconference access limited only by ports available.

Background: The Advisory Board on Radiation and Worker Health (''the Board'') was established under the Energy Employees Occupational Illness Compensation Program

Act of 2000 to advise the President on a variety of policy and technical functions required to implement and effectively manage the new compensation program. Key functions of the Board include providing advice on the development of probability of causation guidelines which are being promulgated by Department of Health and Human Services (HHS), advice on methods of dose reconstruction which have been promulgated as an interim final rule, evaluation of the validity and quality of dose reconstructions conducted by the National Institute for Occupational Safety and Health (NIOSH) for qualified cancer claimants, and advice on the addition of classes of workers to the Special Exposure Cohort.

In December, 2000, the President delegated responsibility for funding, staffing, and operating the Board to HHS, which subsequently delegated this authority to the Centers for Disease Control and Prevention (CDC). NIOSH implements this responsibility for CDC. The charter was signed on August 3, 2001 and in November, 2001, the President completed the appointment of an initial roster of 10 Board members. The initial tasks of the Board will be to review and provide advice on the proposed and interim rules of HHS.

Purpose: This board is charged with (a) providing advice to the Secretary, Department of Health and Human Services on the development of guidelines under Executive Order 13179; (b) providing advice to the Secretary, Department of Health and Human Services on the scientific validity and quality of dose reconstruction efforts performed for this Program; and (c) upon request by the Secretary, Department of Health and Human Services, advise the Secretary on whether there is a class of employees at any Department of Energy facility who were exposed to radiation but for whom it is not feasible to estimate their radiation dose, and on whether there is reasonable likelihood that such radiation doses may have endangered the health of members of this class.

Matters to be Discussed: Agenda for this meeting will focus on the Board providing final comments and a vote on probability of causation rule (42 CFR, part 81). The period for comment closes on February 6, 2002, and the Advisory Board on Radiation and Worker Health is required to comment as mandated by Energy Employees Occupational Illness Compensation Program Act of 2000.

Agenda items are subject to change as priorities dictate.

This request has been submitted late as this conference call was scheduled on January 23, 2002. This conference call cannot be delayed as the open comment period for the rules on probability of causation closes February 6, 2002, the day after this conference call takes place.

Supplementary Information: This conference call is scheduled for 1:00 p.m. Eastern Standard Time. To access the teleconference you must dial 1/800–457–0183. To be automatically connected to the call, you will need to provide the operator with the participant code ''134986'' and you will be connected to the call.

For Further Information Contact: Larry Elliott, Executive Secretary, ABRWH, NIOSH, CDC, 4676 Columbia Parkway, Cincinnati, Ohio 45226, telephone 513/841–4498, fax 513/458–7125.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: January 24, 2002.

Alvin Hall,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 02–2189 Filed 1–25–02; 10:19 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Availability of Funds

AGENCY: Health Resources and Services Administration (HRSA).

ACTION: General notice.

SUMMARY: HRSA announces the availability of funds for Fiscal Year 2002 competitive grant programs that were not included in the *HRSA Preview* which was published in the **Federal Register** (66 FR 42038) on August 9, 2001.

This notice contains a description of previously unannounced grant programs scheduled for awards in Fiscal Year 2002, and includes instructions on how to obtain information and application kits for all programs. Specifically, this notice contains the following information for each grant program: (1) Program title; (2) legislative authority; (3) purpose; (4) eligibility; (5) funding priorities and/or preferences (if any); (6) estimated dollar amount of competition; (7) estimated number of awards; (8) estimated average size of each award; (9) estimated project period; (10) Catalog of Federal Domestic Assistance (CFDA) identification number; (11) application availability date; (12) letter of intent deadline (if any); (13) application deadline; (14) projected award date; and (15) programmatic contact, with telephone and e-mail addresses.

Dated: January 11, 2002.

Elizabeth M. Duke,

Acting Administrator.

This notice describes funding and application deadlines for the following HRSA discretionary authorities and programs (application deadlines are also provided):

Health professions programs	Deadline dates
Physician Assistant Training in Primary Care	3/11/2002
Predoctoral Training in Primary Care (Family Medicine, General Internal Medicine/General Pediatrics)	4/03/2002
Residency Training in Primary Care (Family Medicine, General Internal Medicine/General Pediatrics)	3/18/2002
Residencies in The Practice of Pediatric Dentistry and Residencies and Advanced Education in The Practice of General Dentistry	3/25/2002
Academic Administrative Units in Primary Care (Family Medicine)	4/08/2002
Faculty Development Training in Primary Care (Family Medicine, General Internal Medicine/General Pediatrics)	3/25/2002
Public Health Training Centers Grant Program	4/22/2002
Public Health Traineeship Grants	3/11/2002
Health Education and Training Centers	4/29/2002
Allied Health Projects	3/04/2002
Geriatric Education Centers	3/25/2002
Geriatric Academic Career Awards	4/22/2002
Geriatric Training for Physicians, Dentists, and Behavioral and Mental Health Professionals	4/03/2002
Quentin N. Burdick Program for Rural Interdisciplinary Training	3/04/2002

To Obtain an Application Kit

Each program has a different application kit. To obtain an application kit call 1–877–477–2123 and request the kit by the CFDA number and the title of the grant program in which you are interested. You may also request application kits by e-mail at *hrsagac@hrsa.gov.* Application kits are generally available 60 days prior to application deadline. If kits are available earlier, they will be mailed immediately. The kits contain detailed instructions, background on the grant program, and other information, such as the applicability of Executive Order 12372 and 45 CFR part 100, and additional information pertinent to the intergovernmental review process, as appropriate. The application kit information collection requirements have been approved under OMB No. 0915–0060.

World Wide Web Access

Application materials are also available for downloading for some HRSA programs via the World Wide Web at: *http://www.hrsa.gov/*

grants.htm. HRSA's goal is to post application forms and materials for all programs on the World Wide Web in future cycles. This HRSA grants site also tells you how to request application kits by mail.

Grant Terminology

Application Deadlines

Applications will be considered on time if they are received on or before the established deadline at the address specified in the application guidance given in the program announcement or in the application kit materials. Applications sent to any address other than that specified in the application guidance are subject to being returned.

Authorization

The citation of the law authorizing the various grant programs is provided immediately following the title of the programs.

CFDA Number

The Catalog of Federal Domestic Assistance (CFDA) is a Government-wide compendium of Federal programs, projects, services, and activities which provide assistance. Programs listed therein are given a CFDA Number. Be sure to use both the CFDA number and the title of the grant program when requesting an application kit. Note that CFDA numbers with alpha suffixes have different titles than the same CFDA numbers without suffixes.

Cooperative Agreement

A cooperative agreement rather than a grant is used when HRSA anticipates substantial Federal programmatic involvement with the recipient during performance of the project. The offering or application guidance materials will describe the nature of that involvement.

Eligibility

Eligibility is the status that an entity must possess to be qualified to apply for a grant. Authorizing legislation and programmatic regulations specify eligibility for individual grant programs. In general, assistance is provided to nonprofit organizations and institutions, State and local governments and their agencies, and occasionally to individuals. For-profit organizations are eligible to receive awards under financial assistance programs unless specifically excluded by legislation. Under the President's initiative, faith-based organizations that are otherwise eligible and believe they can contribute to HRSA's program objectives are urged to consider these grant offerings.

Funding Availability and Estimated Amount of Competition

The funding level listed is provided only as an estimate, and is subject to the availability of funds, congressional action, and changing program priorities.

Funding Priorities and/or Preferences

Funding preferences, priorities, and special considerations may come from legislation, regulations, or HRSA. They are not the same as review criteria. Funding preferences are factors that are used to place a grant application recommended for approval by a review committee ahead of other applications that do not have the preference. Some programs give preference, for example, to organizations which have specific capabilities such as telemedicine networking, or have established relationships with managed care organizations. Funding priorities are factors that cause a grant application to receive a fixed number of extra rating points—which may affect the order of applicants on a funding list. Special considerations are other factors that add merit to an application, though they are neither review criteria, preferences, or priorities. Some examples of special consideration factors include ensuring that there is an equitable geographic distribution of grant recipients, or meeting requirements for urban and rural proportions.

Letter of Intent

To help in planning the application review process, many HRSA programs request a letter of intent from the applicant in advance of the application deadline. Letters of intent are neither binding nor mandatory. Details on where to send letters can be found in the guidance materials contained in the application kit.

Matching Requirements

Several HRSA programs require a matching amount, or percentage of the total project support, to come from sources other than Federal funds. Matching requirements are generally mandated in the authorizing legislation for specific categories. Also, matching or other cost-sharing requirements may be administratively required by the awarding office. Such requirements are set forth in the application kit.

Project Period

The project period is the total time for which support of a discretionary project has been programmatically approved. It usually consists of a series of budget periods of one-year duration. Once approved through initial review, continuation of each successive budget period is subject to satisfactory performance, availability of funds, and program priorities.

Review Criteria

The following are generic review criteria applicable to HRSA programs:

- The estimated costs to the Government of the project are reasonable considering the level and complexity of activity and the anticipated results.
- Project personnel or prospective fellows are well qualified by training and/or experience for the support sought, and the applicant organization or the organization to provide training to a fellow have adequate facilities and manpower.
- Insofar as practical, the proposed activities (scientific or other), if well executed, are capable of attaining project objectives.
- The project objectives are capable of achieving the specific program objectives defined in the program announcement and the proposed results are measurable.
- The method for evaluating proposed results includes criteria for determining the extent to which the program has achieved its stated objectives and the extent to which the accomplishment of objectives can be attributed to the program.
- Insofar as practical, the proposed activities, when accomplished, are replicable, national in scope and include plans for broad dissemination.

The specific review criteria used to review and rank applications are included in the individual guidance material provided with the application kits. Applicants should pay strict attention to addressing these criteria, as they are the basis upon which their applications will be judged by the reviewers.

Technical Assistance

A contact person is listed for each program and his/her e-mail address and telephone number is provided. Some programs have scheduled workshops and conference calls. If you have questions concerning individual programs or the availability of technical assistance, please contact the person listed. Also check your application materials and the HRSA web site at *http://www.hrsa.gov/* for the latest technical assistance information.

Frequently Asked Questions

1. Where Do I Submit Grant Applications?

The address for submitting your grant application will be shown in the

guidance document included in the application kit.

2. How Do I Learn More About a Particular Grant Program?

If you want to know more about a program before you request an application kit, an e-mail/telephone contact is listed. This contact person can provide information concerning the specific program's purpose, scope and goals, and eligibility criteria. Usually, you will be encouraged to request the application kit so that you will have clear, comprehensive, and accurate information available to you. When requesting application materials, you must state the CFDA Number and title of the program. The application kit lists telephone numbers for a program expert and a grants management specialist who will provide information about your program of interest if you are unable to find the information within the written materials provided.

In general, the program contact person provides information about the specific grant offering and its purpose, and the grants management specialist provides information about the grant mechanism and business matters, though their responsibilities often overlap. Information specialists at the toll-free number listed on the applications administer mailings and provide only basic information.

*3. The Dates Listed in the **Federal Register** and the Dates in the Application Kit Do Not Agree. How Do I Know Which Is Correct?*

Federal Register dates for application kit availability and application receipt deadlines are based upon the best known information at the time of publication, often nine months in advance of the competitive cycle. Occasionally, the grant cycle does not begin as projected and dates must be adjusted. The deadline date stated in your application kit is generally correct. If the application kit has been made available and subsequently the date changes, notification of the change will be mailed to known recipients of the application kit, and also posted on the HRSA home page.

4. Are Programs Announced in the **Federal Register** *Ever Canceled?*

Infrequently, announced programs may be withdrawn from competition. If this occurs, a cancellation notice will be provided through the HRSA homepage at *http://www.hrsa.dhhs.gov.* If practicable, an attempt will be made to notify those who have requested a kit for the canceled program by mail.

If you have additional questions, please contact Mark Wheeler of the Grants Management Branch at (301) 443–6880 (*mwheeler@hrsa.gov*).

Kids into Health Careers Initiative

The Bureau of Health Professions announces a new initiative to increase diversity and cultural competency of the health professions workforce. The Kids Into Health Careers initiative is designed to expand the pool of qualified and interested applicants from minority and disadvantaged populations. The Bureau encourages applicants to participate in the Kids Into Health Careers initiative by working with primary and secondary schools that have a high percentage of minority and disadvantaged students. Participation would include establishing linkages with one or more elementary, middle, or high schools with a high percentage of minority and disadvantaged students to: (1) Inform students and parents about health careers and financial aid to encourage interest in health careers; (2) promote rigorous academic course work to prepare for health professions training; or (3) provide support services such as mentoring, tutoring, counseling, after school programs, summer enrichment, and college visits. All recipients of Bureau of Health Professions grants will receive a packet of information and guidance materials that can be used in working with local school systems. Kids Into Health Careers Initiative information may also be obtained on the Bureau of Health Professions Website at *http://www.hrsa.gov/bhpr/.*

Physician Assistant Training in Primary Care 93.886

Legislative Authority: Public Health Service Act, Title VII, Section 747(a)(5), 42 U.S.C. 293k.

Purpose: Grants are awarded for projects for the training of physician assistants and for the training of individuals who will teach in physician assistant training programs. The program assists schools to meet the costs of projects to plan, develop, and operate or maintain such programs.

Eligibility: Accredited schools of medicine, osteopathic medicine, or other public or private nonprofit entities are eligible to apply. Eligible physician assistant training programs are those which are accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC–PA) or its successor organization, the Commission on Accreditation of Allied Health Education Programs (CAAHEP) and meet the criteria set forth in sec. 799B(3) 42 USC 295p(3).

Funding Priorities and/or Preferences: As provided in section 791(a) of the Public Health Service Act, preference will be given to any qualified applicant that: (1) Has a high rate for placing graduates in practice settings having the principal focus of serving residents of medically underserved communities; or (2) during the 2-year period preceding the fiscal year for which such an award is sought, has achieved a significant increase in the rate of placing graduates in such settings. This statutory general preference will only be applied to applications that rank above the 20th percentile of applications recommended for approval by the peer review group. A priority will be offered to applicants that can demonstrate a record of training individuals from disadvantaged backgrounds (including racial/ethnic minorities underrepresented in primary care practice).

Special Consideration: Special consideration will be given in awarding grants to projects which prepare practitioners to care for underserved populations and other high risk groups such as the elderly, individuals with HIV/AIDS, substance abusers, homeless individuals, and victims of domestic violence.

Review Criteria: Review criteria are included in the application kit.

Estimated Amount of This Competition: $450,000.

Estimated Number of Awards: 3.

Estimated or Average Size of Each Award: $150,000.

Estimated Project Period: 3 years.

CFDA Number: 93.886.

Application Availability Date: Approximately January 18, 2002.

Application Deadline: March 11, 2002.

Projected Award Date: June 28, 2002.

Program Contact Person: Ellie Grant.

Phone Number: (301) 443–5404.

E-mail: egrant@hrsa.gov.

Predoctoral Training in Primary Care (Family Medicine, General Internal Medicine/General Pediatrics) 93.896

Legislative Authority: Public Health Service Act, Title VII, section 747(a)(1), 42 U.S.C. 293k.

Purpose: Grants are awarded to assist schools of medicine or osteopathic medicine in meeting the costs of projects to plan, develop, and operate or participate in, an approved predoctoral training program in the field of family medicine, general internal medicine, and general pediatrics. Proposed projects are encouraged to seek to expand and enhance the quality of predoctoral initiatives: (1) Innovation, (2) Comprehensive Models, and (3) Establishment and Expansion of Required Clerkships.

Eligibility: Any accredited public or nonprofit private school of allopathic medicine or osteopathic medicine is eligible to apply.

Funding Priorities and/or Preferences: Statutory Funding Preference: As provided in section 791(a) of the Public Health Service Act, preference will be given to any qualified applicant that: (1) Has a high rate for placing graduates in practice settings having the principal focus of serving residents of medically underserved communities; or (2) during the 2-year period preceding the fiscal year for which such an award is sought, has achieved a significant increase in the rate of placing graduates in such settings. This statutory general preference will only be applied to applications that rank above the 20th percentile of applications recommended for approval by the peer review group.

Special Consideration: Special consideration will be given to projects which prepare practitioners to care for underserved populations and other high risk groups such as the elderly, individuals with HIV/AIDS, substance abusers, homeless individuals, and victims of domestic violence.

Review Criteria: Review criteria are included in the application kit.

Estimated Amount of This Competition: Family Medicine, $2,500,000; General Internal Medicine/General Pediatrics, $1,000,000.

Estimated Number of Awards: Family Medicine, 17; General Internal Medicine/General Pediatrics, 7.

Estimated or Average Size of Each Award: Family Medicine, $145,000; General Internal Medicine/General Pediatrics, $145,000.

Estimated Project Period: Family Medicine, 3 years; General Internal Medicine/General Pediatrics, 3 years.

CFDA Number: 93.896.

Application Availability Date: Approximately January 18, 2002.

Letter of Intent Deadline: February 18, 2002.

Application Deadline: April 3, 2002.

Projected Award Date: July 31, 2002.

Program Contact Person: Brenda Williamson.

Phone Number: (301) 443–1467.

E-mail: bwilliamson@hrsa.gov.

Residency Training in Primary Care (Family Medicine, General Internal Medicine/General Pediatrics) 93.884

Legislative Authority: Public Health Service Act, Title VII, section 747, 42 U.S.C. 293k.

Purpose: Grants are awarded to assist family medicine, general internal medicine, and general pediatrics residency programs to expand and enhance the quality of training programs that prepare graduates to enter primary care practice. Residency training programs are encouraged to emphasize national innovations aimed at primary care residency education across disciplines.

Eligibility: Accredited public or private nonprofit schools of allopathic medicine or osteopathic medicine, or public or private nonprofit hospitals, or other public or private nonprofit entities are eligible. Each allopathic program must be fully or provisionally accredited by the Accreditation Council for Graduate Medical Education. Each osteopathic program must be approved by the American Osteopathic Association.

Funding Priorities and/or Preferences: Statutory Funding Preference: As provided in section 791(a) of the Public Health Service Act, preference will be given to any qualified applicant that: (1) Has a high rate for placing graduates in practice settings having the principal focus of serving persons residing in medically underserved communities; or (2) during the 2-year period preceding the fiscal year for which such an award is sought, has achieved a significant increase in the rate of placing residency graduates in such settings. This statutory general preference will only be applied to applications that rank above the 20th percentile of applications recommended for approval by the peer review group.

A funding priority will be made available for applicants that have a record of training the greatest percentage of providers or that have demonstrated significant improvements in the percentage of providers which enter and remain in primary care practice. A second priority will be offered to applicants who can demonstrate a record of training individuals from disadvantaged backgrounds (including racial/ethnic minorities underrepresented in primary care practice).

Special Consideration: Special consideration will be given to projects that prepare practitioners to care for underserved populations and other high risk groups (i.e., the elderly, individuals with HIV/AIDS, substance abusers, homeless individuals, and victims of domestic violence).

Review Criteria: Review criteria are included in the application kit.

Estimated Amount of This Competition: Family Medicine, $2,900,000; General Internal Medicine/General Pediatrics, $2,000,000.

Estimated Number of Awards: Family Medicine, 19; General Internal Medicine/General Pediatrics, 13.

Estimate or Average Size of Each Award: Family Medicine, $150,000; General Internal Medicine/General Pediatrics, $150,000.

Estimated Project Period: Family Medicine, 3 years; General Internal Medicine/General Pediatrics, 3 years.

CFDA Number: 93.884.

Application Availability Date: Approximately January 18, 2002.

Application Deadline: March 18, 2002.

Projected Award Date: July 31, 2002.

Program Contact Person: Shane Rogers; Ed Spirer.

Phone Number: (301) 443–1467.

E-mail: srogers@hrsa.gov, espirer@hrsa.gov.

Residencies in The Practice of Pediatric Dentistry 93.248 and Residencies and Advanced Education in The Practice of General Dentistry 93.897

Legislative Authority: Public Health Service Act, Title VII, section 747(a)(6), 42 U.S.C. 293k.

Purpose: These programs will provide grants to assist schools in planning, developing, or operating programs, to increase the number of training opportunities, and to provide financial assistance to residents in post-doctoral general and pediatric dentistry. These programs encourage: (1) Practice in underserved areas; (2) provision of a broad range of pediatric and/or general practice dental services; (3) coordination and integration of care; (4) meeting the needs of special populations; and (5) recruitment and retention of underrepresented minorities. Applicants are encouraged to describe the manner in which the graduates of general dentistry residency will be well trained in meeting the treatment needs of the pediatric/general patient populations. All applications will be reviewed together as a single group during the peer review process.

Eligibility: Eligible applicants for a grant for residency training in the practice of pediatric or general dentistry include entities that have programs in dental schools, approved residency programs in the pediatric or general practice of dentistry, or approved advanced education programs in the pediatric or general practice of dentistry.

Funding Priorities and/or Preferences: As provided in section 791(a) of the Public Health Service Act, preference will be given to any qualified applicant that: (1) Has a high rate for placing graduates in practice settings and has the principal focus of serving residents of medically/dentally underserved communities; or (2) during the 2-year period preceding the fiscal year for

which an award is sought, has achieved a significant increase in the rate of placing graduates in such settings. This statutory general preference will only be applied to applications that rank above the 20th percentile of applications recommended for approval by the peer review group.

Priority will be given to qualified applicants that have a record of training the greatest percentage of providers, or that have demonstrated significant improvements in the percentage of providers which enter and remain in general or pediatric dentistry.

Priority will be given to qualified applicants that have a record of training individuals who are from disadvantaged backgrounds (including racial and ethnic minorities underrepresented in general or pediatric dentistry).

An administrative priority will be given to new programs that have enrollees and no graduates at the time of application, and newly initiated programs that have neither enrollees nor graduates at the time of application.

Special Consideration: Special consideration will be given to projects that prepare practitioners to care for underserved populations and other high risk groups such as the elderly, individuals with HIV/AIDS, substance abusers, homeless individuals, and victims of domestic violence.

Review Criteria: Review criteria are included in the application kit.

Estimated Amount of This Competition: $1,000,000.

Estimated Number of Awards: 9.

Estimate or Average Size of Each Award: $110,000.

Estimated Project Period: 3 years.

CFDA Numbers: General Dentistry, 93.897; Pediatric Dentistry, 93.248.

Application Availability Date: Approximately January 18, 2002.

Application Deadline: March 25, 2002.

Projected Award Date: July 31, 2002.

Program Contact Person: Susan Goodman, DDS.

Phone Number: (301) 443–6326.

E-mail: sgoodman@hrsa.gov.

Academic Administrative Units in Primary Care (Family Medicine) 93.984

Legislative Authority: Public Health Service Act, Title VII, section 747(b), 42 U.S.C. 293k.

Purpose: Title VII authorizes funds to establish or expand teaching capacity in family medicine. Grant support is awarded to meet the costs of projects to establish, maintain, or improve academic administrative units (which may be departments, divisions, or other units) to provide clinical instruction in family medicine. Applications are being solicited for projects to address one or more of the following program purposes: (1) To establish an academic unit, (2) to expand an academic unit, or (3) to develop research infrastructure within an academic unit.

Eligibility: Public or private nonprofit accredited schools of allopathic medicine or osteopathic medicine are eligible to apply.

Funding Priorities and/or Preferences: Statutory Funding Preferences: (1) As provided in section 791(a) of the Public Health Service Act, preference will be given to any qualified applicant that: (A) Has a high rate for placing graduates in practice settings having the principal focus of serving residents of medically underserved communities; or (B) during the 2-year period preceding the fiscal year for which such an award is sought, has achieved a significant increase in the rate of placing graduates in such settings. This statutory general preference will only be applied to applications that rank above the 20th percentile of applications recommended for approval by the peer review group.

(2) A second preference is offered to qualified applicants for the establishment or the substantial expansion of an academic unit.

A priority will be available to those applicants that demonstrate collaborative projects between departments of primary care. The collaboration should involve the academic administrative units of any two disciplines of family medicine, general internal medicine, and general pediatrics. There is a second priority (administrative) for proposals that seek to build or enhance the research infrastructure of the academic administrative unit.

Special Consideration: Special consideration will be given to projects which prepare practitioners to care for underserved populations and other high risk groups such as the elderly, individuals with HIV/AIDS, substance abusers, homeless individuals, and victims of domestic violence.

Review Criteria: Review criteria are included in the application kit.

Estimated Amount of This Competition: Family Medicine, $3,300,000.

Estimated Number of Awards: 22.

Estimate or Average Size of Each Award: $150,000.

Estimated Project Period: 3 years.

CFDA Number: 93.984.

Application Availability Date: Approximately January 18, 2002.

Application Deadline: April 8, 2002.

Projected Award Date: August 30, 2002.

Program Contact Person: Lafayette Gilchrist.

Phone Number: (301) 443–1467.

E-mail: lgilchrist@hrsa.gov.

Faculty Development Training in Primary Care (Family Medicine, General Internal Medicine/General Pediatrics) 93.895

Legislative Authority: Public Health Service Act, Title VII, section 747(a)(3), 42 U.S.C. 293k.

Purpose: Grants are awarded to plan, develop, and operate a program for the training of physicians who plan to teach in family medicine (including geriatrics), general internal medicine, general pediatrics, and to provide financial assistance (in the form of traineeships and fellowships) to physicians who are participating in any such program.

Eligibility: Accredited schools of medicine or osteopathic medicine, public or private nonprofit hospitals, or other public or private nonprofit entities are eligible to apply.

Funding Priorities and/or Preferences: Statutory Funding Preference: As provided in section 791(a) of the Public Health Service Act, preference will be given to any qualified applicant that: (1) Has a high rate for placing graduates in practice settings having the principal focus of serving residents of medically underserved communities; or (2) during the 2-year period preceding the fiscal year for which such an award is sought, has achieved a significant increase in the rate of placing graduates in such settings. This statutory general preference will only be applied to applications that rank above the 20th percentile of applications recommended for approval by the peer review group.

Special Consideration: Special consideration will be given to projects which prepare practitioners to care for underserved populations and other high risk groups such as the elderly, individuals with HIV/AIDS, substance abusers, homeless individuals, and victims of domestic violence.

Review Criteria: Review criteria are included in the application kit.

Estimated Amount of This Competition: Family Medicine, $2,800,000; General Internal Medicine/General Pediatrics, $2,000,000.

Estimated Number of Awards: Family Medicine, 18; General Internal Medicine/General Pediatrics, 13.

Estimated or Average Size of Each Award: Family Medicine, $156,000; General Internal Medicine/General Pediatrics, $156,000.

Estimated Project Period: Family Medicine, 3 years; General Internal Medicine/General Pediatrics, 3 years.

CFDA Number: 93.895.
Application Availability Date: Approximately January 18, 2002.
Application Deadline: March 25, 2002.
Projected Award Date: July 31, 2002.
Program Contact Person: Martha Evans; Elsie Quinones.
Phone Number: (301) 443–1467.
E-mail: mevans@hrsa.gov, equinones@hrsa.gov.

Public Health Training Centers Grant Program 93.249

Legislative Authority: Public Health Service Act, Title VII, section 766, 42 U.S.C. 295a.

Purpose: The goal of the Public Health Training Centers Grant Program is to improve the Nation's public health system by strengthening the technical, scientific, managerial, and leadership competencies and capabilities of the current and future public health workforce. Emphasis is placed on developing the existing public health workforce as a foundation for improving the infrastructure of the public health system and helping achieve the Healthy People 2010 Objectives. Public health training center applicants must agree to: (1) Specifically designate a geographic area, including medically underserved populations, e.g., elderly, immigrants/refugees, disadvantaged, to be served by the Center that shall be in a location removed from the main location of the teaching facility of the school participating in the program with such Center; (2) assess the public health personnel needs of the area to be served by the Center and assist in the planning, development, and delivery of training programs to meet such needs; (3) establish or strengthen field placements for students in public or nonprofit private public health agencies or organizations; and (4) involve faculty members and students in collaborative projects to enhance public health services to medically underserved communities.

Eligibility: Eligible applicants include accredited schools of public health or other public or nonprofit private institutions accredited for the provision of graduate or specialized training in public health.

Funding Priorities and/or Preferences: In awarding grants under this authority, the Secretary will give preference to accredited schools of public health.

Review Criteria: Review criteria are included in the application kit.

Estimated Amount of This Competition: $5,000,000.
Estimated Number of Awards: 8–10.
Estimated or Average Size of Each Award: $350,000.
Estimated Project Period: 5 years.
CFDA Number: 93.249.
Application Availability Date: Approximately January 18, 2002.
Application Deadline: April 22, 2002.
Projected Award Date: August 30, 2002.
Program Contact Person: John R. Kress.
Phone Number: (301) 443–6864.
E-mail: jkress@hrsa.gov.

Public Health Traineeship Grants 93.964

Legislative Authority: Public Health Service Act, Title VII, section 767, 42 U.S.C. 295b.

Purpose: The Public Health Traineeship Grants are awarded to accredited schools of public health, and to other public or nonprofit private institutions accredited for the provision of graduate or specialized training in public health, to provide traineeships to individuals pursuing a course of study in a public health profession in which there is a severe shortage of health professionals (including the fields of epidemiology, environmental health, biostatistics, toxicology, nutrition, and maternal and child health). Traineeships are used to assist students in the cited public health professions where there are documented shortages and to prepare graduates for employment in underserved areas.

Eligibility: Eligible applicants include: (1) Accredited schools and programs of public health and other appropriate public or nonprofit private institutions accredited by the Council on Education for Public Health; and (2) other public or nonprofit private institutions accredited by a body recognized for this purpose by the Secretary of the Department of Education.

Estimated Amount of This Competition: 1,822,957.
Estimated Number of Awards: 33.
Estimated or Average Size of Each Award: $55,241.
Estimated Project Period: 1 year.
CFDA Number: 93.964.
Application Availability Date: Approximately January 18, 2002.
Application Deadline: March 11, 2002.
Projected Award Date: May 31, 2002.
Program Contact Person: Maurice Davis.
Phone Number: (301) 443–6853.
E-mail: mdavis2@hrsa.gov.

Health Education and Training Centers 93.189

Legislative Authority: Public Health Service Act, Title VII, section 752 (42 U.S.C. 294b).

Purpose: Grants are awarded to support projects that address the persistent and unmet health care needs in States along the border between the United States and Mexico and in the State of Florida, and in other urban and rural areas with populations with serious unmet health care needs. The HETC program emphasizes: (1) Use of community-based approaches to improve the health status and life expectancy of low-income and minority populations in severely underserved areas, (2) educational incentives to train students and attract and retain health care personnel, and (3) health promotion and disease prevention strategies that integrate public health and health education services in the areas described.

Matching Requirements: Grantees must provide matching funds from non-Federal sources (directly or through donations from public or private entities, in cash or in-kind) in an amount not less than 25 percent of the total operating costs of the HETC project.

Eligibility: Public or private nonprofit, accredited schools of medicine and osteopathic medicine, and incorporated consortia of such schools or the parent institution of such schools are eligible applicants. In States in which no area health education centers program is in operation, an accredited school of nursing is also an eligible applicant. The academic institution shall collaborate with 2 or more disciplines.

Funding Priorities and/or Preferences: As provided in section 791 (a) of the Public Health Service Act, preference will be given to any qualified applicant that: (1) Has a high rate for placing graduates in practice settings having the principal focus of serving residents of medically underserved communities; or (2) during the 2-year period preceding the fiscal year for which an award is sought, has achieved a significant increase in the rate of placing graduates in such settings. This statutory general preference will only be applied to applications that rank above the 20th percentile of applications recommended for approval by the peer review group. Fifty percent of the appropriated funds will be made available for approved applications for HETCs in States along the border between the United States and Mexico and in the State of Florida. The remaining 50 percent shall be made available for approved applications for HETCs from non-border areas (both urban and rural). The amount allocated for each approved border HETC application will be determined in accordance with a formula. Approved non-border HETC applications scored in the lowest 25th percentile may be partially funded or may not be funded.

Funding decisions on approved non-border HETC applications will be based on consideration of geographic distribution of the awards. If funds remain available after all approved applications in either the border area/Florida category or the non-border area category are funded, the balance will be utilized for approved applications in the other category.

Review Criteria: Review criteria are included in the application kit.

Estimated Amount of this Competition: $3,800,000.

Estimated Number of Awards: 14.

Estimated or Average Size of Each Award: $275,000.

Estimated Project Period: 3 years.

CFDA Number: 93.189.

Application Availability Date: Approximately January 18, 2002.

Application Deadline: April 29, 2002.

Projected Award Date: August 30, 2002.

Program Contact Person: Louis D. Coccodrilli, MPH.

Phone Number: (301) 443–6950.

E-mail: lcoccodrilli@hrsa.gov.

Allied Health Projects 93.191

Legislative Authority: Public Health Service Act, Title VII, section 755, 42 U.S.C. 294e.

Purpose: Grants are awarded to assist eligible entities in meeting the costs associated with expanding or establishing programs that will: (1) Expand enrollments in allied health disciplines that are in short supply or whose services are most needed by the elderly; (2) provide rapid transition training programs in allied health fields to individuals who have baccalaureate degrees in health-related sciences; (3) establish community-based training programs that link academic centers to rural clinical settings; (4) provide career advancement training for practicing allied health professionals; (5) expand or establish clinical training sites for allied health professionals in medically underserved or rural communities in order to increase the number of individuals trained; (6) develop curriculum that will emphasize knowledge and practice in the areas of prevention and health promotion, geriatrics, long-term care, home health and hospice care, and ethics; (7) expand or establish interdisciplinary training programs that promote the effectiveness of allied health practitioners in geriatric assessment and the rehabilitation of the elderly; (8) expand or establish demonstration centers to emphasize innovative models to link allied health, clinical practice, education, and research; and (9) meet the costs of projects to plan, develop, and operate or maintain graduate programs in behavioral and mental health practice.

Eligibility: Eligible entities are health professions schools, academic health centers, State or local governments, or other public or private nonprofit entities. Eligible academic institutions are also required to use funds in collaboration with two or more disciplines.

Funding Priorities and/or Preferences: As provided in section 791(a) of the Public Health Service Act, preference will be given to any qualified applicant that: (1) Has a high rate for placing graduates in practice settings having the focus of serving residents of medically underserved communities; or (2) during the 2-year period preceding the fiscal year for which such an award is sought, has achieved a significant increase in the rate of placing graduates in such settings. This statutory general preference will only be applied to applications that rank above the 20th percentile of applications recommended for approval by the peer review group. A preference will be given to those new programs that meet at least four of the criteria described in section 791(c)(3) of the Public Health Service Act concerning medically underserved communities and populations so that new applicants may also compete equitably. A funding priority will be given to qualified applicants who provide community-based training experiences designed to improve access to health care services in underserved areas. Such applicants may include Asian-American and Pacific Islander Serving Institutions, Hispanic Serving Institutions, Historically Black Colleges and Universities, Tribal Colleges, and Universities serving American Indians and Alaska Natives, or an institution that collaborates with one or more of the above listed institutions (President's Executive Orders 12876, 12900, 13021, and 13125).

Review Criteria: Review criteria are included in the application kit.

Estimated Amount of This Competition: $1,500,000.

Estimated Number of Awards: 13.

Estimated or Average Size of Each Award: $115,000.

Estimated Project Period: 3 years.

CFDA Number: 93.191.

Application Availability Date: Approximately January 18, 2002.

Application Deadline: March 4, 2002.

Projected Award Date: June 28, 2002.

Program Contact Person: Young Song.

Phone Number: (301) 443–3353.

E-mail: ysong@hrsa.gov.

Geriatric Education Centers 93.969

Legislative Authority: Public Health Service Act, Title VII, section 753(a), 42 U.S.C. 294c.

Purpose: Grants are given to support the development of collaborative arrangements involving several health professions schools and health care facilities. These arrangements, called Geriatric Education Centers (GECs), facilitate training of health professional faculty, students, and practitioners in the diagnosis, treatment, prevention of disease, disability, and other health problems of the aged. Projects supported under these grants must offer training involving four or more health professions, one of which must be allopathic or osteopathic medicine. Health professions include allopathic physicians, osteopathic physicians, dentists, optometrists, podiatrists, pharmacists, nurses, nurse practitioners, physician assistants, chiropractors, clinical psychologists, health administrators, and allied health professionals including professional counselors and social workers.

These projects must address one or more of the following statutory purposes: (1) Improve the training of health professionals in geriatrics, including geriatric residencies, traineeships or fellowships; (2) develop and disseminate curricula relating to the treatment of the health problems of elderly individuals; (3) support the training and retraining of faculty to provide instruction in geriatrics; (4) support continuing education of health professionals who provide geriatric care; and (5) provide students with clinical training in geriatrics in nursing homes, chronic and acute disease hospitals, ambulatory care centers, and senior centers.

Eligibility: Grants may be made to accredited health professions schools as defined by section 799B(1) (3) or (4) and section 801(2) of the PHS Act, which includes, among others, schools of medicine, schools of dentistry, schools of osteopathic medicine, schools of pharmacy, schools of optometry, schools of podiatric medicine, schools of veterinary medicine, schools of public health, and schools of chiropractic. Grants may also be made to accredited graduate programs in clinical psychology, clinical social work, health administration, and behavioral health and mental health practice as defined in 799(B)(1)(B)–(E). Programs for the training of physician assistants as defined by section 799(B)(3), or schools of allied health as defined by section 799B(4), or schools of nursing as defined by section 801(2)

may also apply. Applicants must be located in the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, the Republic of Palau, the Republic of the Marshall Islands, or the Federated States of Micronesia.

Funding Priorities and/or Preferences: As provided in section 791(a) of the Public Health Service Act, preference will be given to any qualified applicant that: (1) Has a high rate for placing graduates in practice settings having the focus of serving residents of medically underserved communities or (2) during the 2-year period preceding the fiscal year for which such an award is sought, has achieved a significant increase in the rate of placing graduates in such settings. This statutory general preference will only be applied to applications that rank above the 20th percentile of applications recommended for approval by the peer review group. So that new applicants may compete equitably, a preference will be given to those new programs that meet at least four of the criteria described in section 791(c)(3) of the Public Health Service Act concerning medically underserved communities and populations.

A funding priority will be given to qualified applicants who devote significant resources to support the training and retraining of faculty to provide instruction in geriatrics.

Review Criteria: Review criteria are included in the application kit.

Estimated Amount of This Competition: 4,000,000.

Estimated Number of Awards: 12.

Estimated or Average Size of Each Award: $200,000 for single applications and $400,000 for consortium applications.

Estimated Project Period: 5 years.

CFDA Number: 93.969.

Application Availability Date: Approximately January 18, 2002.

Application Deadline: March 25, 2002.

Projected Award Date: July 12, 2002.

Program Contact Person: Barbara Broome.

Phone Number: (301) 443–6866.

E-mail: jweiss@hrsa.gov.

Geriatric Academic Career Awards 93.250

Legislative Authority: Public Health Service Act, Title VII, section 753(c), 42 U.S.C. 294c.

Purpose: The purpose of this program is to increase the number of junior faculty in geriatrics at accredited schools of medicine and osteopathic medicine and to promote their careers as academic geriatricians. Award recipients agree to serve as members of the faculties of accredited schools of allopathic or osteopathic medicine providing teaching services, within the service requirements under this award, for up to 5 years. Prior to submitting an application for the Geriatric Academic Career Award, individuals must have an agreement with an eligible school setting forth the terms and conditions of the award. The agreement with the school must permit the individual to serve as a full-time (as determined by the school) member of the faculty, for not less than the period of the award. As provided in Section 753(c)(5), an individual who receives an award shall provide training in clinical geriatrics, including the training of interdisciplinary teams of health care professionals. The provision of such training shall constitute at least 75 percent of the obligations of the individual under this award. Geriatric career awards are made directly to individuals, not institutions.

Eligibility: Geriatric Academic Career Awards are provided for individuals who meet the following criteria: (1) Are board certified or board eligible in internal medicine, family practice, or psychiatry; (2) have completed an approved fellowship program in geriatrics; and (3) have a junior faculty appointment at an accredited school of medicine (allopathic or osteopathic).

Review Criteria: Review criteria are included in the application kit.

Estimated Amount of This Competition: 1,000,000.

Estimated Number of Awards: 20.

Estimated or Average Size of Each Award: $50,000.

Estimated Number of Awards To Be Made: 20.

Estimated Project Period: 5 years.

CFDA Number: 93.250.

Application Availability Date: Approximately January 18, 2002.

Application Deadline: April 22, 2002.

Projected Award Date: August 16, 2002.

Program Contact Person: Kathleen Bond.

Phone Number: (301) 443–8681.

E-mail: kbond@hrsa.gov.

Geriatric Training for Physicians, Dentists, and Behavioral and Mental Health Professionals 93.156

Legislative Authority: Public Health Service Act, Title VII, section 753(b), 42 USC 294c.

Purpose: The purpose of this program is to increase the number of physicians, dentists, and behavioral and mental health professionals who plan to teach geriatric medicine, geriatric dentistry, or geriatric behavioral and mental health. Supported programs provide training in geriatrics and exposure to the physical and mental disabilities of elderly individuals through a variety of service rotations such as geriatric consultation services, acute care services, dental services, geriatric behavioral and/or mental health units, day and home care programs, rehabilitation services, extended care facilities, geriatric ambulatory care and comprehensive evaluation units, and community care programs for elderly mentally retarded individuals. Programs emphasize the principles of primary care as demonstrated through continuity, ambulatory, preventive, and psychosocial aspects of the practice of geriatric medicine, geriatric dentistry, and geriatric behavioral and mental health. Projects provide training in geriatrics through two-year fellowship programs and/or 1-year retraining programs. Learning components for 2-year fellows include clinical, research, administration and teaching. A minimum of three fellows—one from each discipline—is required for each program each year.

Eligibility: Schools of medicine, schools of osteopathic medicine, teaching hospitals, and graduate medical education programs.

Funding Priorities and/or Preferences: Statutory Funding Preferences: As provided in section 791(a) of the Public Health Service Act, preference will be given to any qualified applicant that: (A) Has a high rate for placing graduates in practice settings having the focus of serving residents of medically underserved communities or (B) during the two-year period preceding the fiscal year for which such an award is sought, has achieved a significant increase in the rate of placing graduates in such settings. This statutory general preference will only be applied to applications that rank above the 20th percentile of the applications recommended for approval by the peer review group. So that new applicants may compete equitably, a preference will be given to those new programs that meet at least four of the criteria described in section 791(c)(3) of the Public Health Service Act concerning medically underserved communities and populations.

Estimated Amount of This Competition: $5,000,000.

Estimated Number of Awards: 5.

Estimated or Average Size of Each Award: $400,000.

Estimated Project Period: 5 years.

CFDA Number: 93.156.

Application Availability Date: Approximately January 18, 2002.

Application Deadline: April 3, 2002.

Project Award Date: July 12, 2002.

Program Contact Person: Kathleen Bond.

Phone Number: 301–443–8681.

E-mail: kbond@hrsa.gov.

Quentin N. Burdick Program for Rural Interdisciplinary Training 93.192

Legislative Authority: Public Health Service Act, Title VII, section 754, 42 U.S.C. 294d.

Purpose: The goal of this program is to support the education and training of health professions students in rural underserved communities and to improve access to health care in rural areas. In an effort to address the rural health professions workforce needs, this program provides funding for student stipends and for interdisciplinary training projects designed to: (1) Use new and innovative methods to train health care practitioners to provide services in rural areas; (2) demonstrate and evaluate innovative interdisciplinary methods and models designed to provide access to cost-effective comprehensive health care; (3) deliver health care services to individuals residing in rural areas; (4) enhance the amount of relevant research conducted concerning health care issues in rural areas; and (5) increase the recruitment and retention of health care practitioners in rural areas and make rural practice a more attractive career choice for health care practitioners.

Eligibility: Applications will be accepted from health professions schools, academic health centers, State or local governments, or other appropriate public or private nonprofit entities for funding and participation in health professions and nursing training activities. Applications must be jointly submitted by at least two eligible applicants with the express purpose of assisting individuals in academic institutions in establishing long-term collaborative relationships with health care providers in rural areas.

Applicants must designate a rural health care agency or agencies for clinical treatment or training including hospitals, community health centers, migrant health centers, rural health clinics, community behavioral and mental health centers, long-term care facilities, Native Hawaiian health centers or facilities operated by the Indian Health Service or an Indian tribe or tribal organization or Indian organization under a contract with the Indian Health Service under the Indian Self-Determination Act.

Funding Priorities and/or Preferences: Statutory Funding Preference: As provided in section 791(a) of the Public Health Service Act, preference will be given to any qualified applicant that: (1) Has a high rate for placing graduates in practice settings having the principal focus of serving residents of medically underserved communities; or (2) during the 2-year period preceding the fiscal year for which such an award is sought, has achieved a significant increase in the rate of placing graduates in such settings.

This statutory general preference will only be applied to applications that rank above the 20th percentile of applications recommended for approval by the peer review group. So that new applicants may compete equitably, a preference will be given to those new programs that meet at least four of the criteria described in Section 791(c)(3) concerning medically underserved communities and populations.

A funding priority will be given to qualified applicants that have a record of providing community-based training to individuals who are from disadvantaged backgrounds. Such applicants may be Hispanic Serving Institutions, Historically Black Colleges and Universities, and Tribal Colleges and Universities serving Native Americans (President's Executive Orders 12876, 12900, and 13021).

Review Criteria: Review criteria are included in the application kit.

Estimated Amount of This Competition: 3,000,000.

Estimated Number of Awards: 13.

Estimated or Average Size of Each Award: $225,000.

Estimated Project Period: 3 years.

CFDA Number: 93.192.

Application Availability Date: Approximately January 18, 2002.

Application Deadline: March 4, 2002.

Projected Award Date: July 12, 2002.

Program Contact Person: Marcia Starbecker, RN, MSN.

Phone Number: (301) 443–0430.

E-mail: jweiss@hrsa.gov.

Additional Informaton

Exhibit and Conference/Meeting Information

HRSA's exhibit schedule and HRSA-sponsored conferences and meetings can be accessed online at *http://www.hrsa.gov/newsroom/calendar.htm.* For more information, contact Steve Merrill at smerrill@hrsa.gov.

HRSA's Field Offices

Northeast Cluster

Philadelphia Field Office—Field Director, Vincent C. Rogers, (215) 861–4422.

Boston Field Office—Assistant Field Director, Kenneth Brown, (617) 565–1420.

New York Field Office—Assistant Field Director, Ron Moss, (212) 264–3032.

Southeast Cluster

Atlanta Field Office—Field Director, Ketty M. Gonzalez, (404) 562–7972.

Midwest Cluster

Chicago Field Office—Field Director, Deborah Willis-Fillinger, (312) 353–6835.

Kansas City Field Office—Assistant Field Director, Hollis Hensley, (816) 426–5226.

West Central Cluster

Dallas Field Office—Field Director, Frank Cantu, (214) 767–3872.

Denver Field Office—Assistant Field Director, Jerry Wheeler, (303) 844–3203.

Pacific West Cluster

San Francisco Field Office—Field Director, Thomas Kring, (415) 437–8090.

Seattle Field Office—Assistant Field Director, Richard Rysdam (Acting), (206) 615–2491.

Related World Wide Web Addresses

HRSA Preview Online

http://www.hrsa.gov/grants.htm

HRSA Home Page

http://www.hrsa.dhhs.gov

DHHS Home Page

http://www.os.dhhs.gov

Grantsnet

http://www.hhs.gov/progorg/grantsnet/index.html

PHS Grants Policy Statement

http://www.nih.gov/grants/policy/gps

Catalog of Federal Domestic Assistance (CFDA)

http://www.gsa.gov/fdac

Code of Federal Regulations

http://www.access.gpo.gov/nara/cfr/cfr-table-search.html

OMB Circulars

http://www.whitehouse.gov/WH/EOP/omb

http://www.whitehouse.gov/omb/grants/index.html#circulars

Federal Register

http://www.access.gpo.gov/su_docs/aces/aces140.html

Healthfinder

http://www.healthfinder.gov

Fedworld Information Network

http://www.fedworld.gov

State Single Points of Contact (SPOC)

http://thomas.loc.gov

Faith-Based Programs

On January 29, 2001, by Executive Order, the President established a new White House Office of Faith-based and Community Initiatives. The Office has been working to expand the role of faith-based organizations and other community-serving groups that have traditionally been distant from government.

This year, HRSA is participating in an Agency wide review of its grant programs to help assure that its policies and practices do not contain barriers to the participation of faith-based and community groups in appropriate HRSA grant programs.

Faith-based and other community organizations have worked in partnership with HRSA and its grantees in many ways through the years, and have competed for and received grant awards to assist the Agency in improving access to health care for those in need. Faith-based organizations, therefore, are eligible to apply for funds, as are other community groups and non-profit organizations. HRSA will strive to create a ''level playing field'' for all applicant organizations in the competition for grants and other funding.

HRSA Supports Healthy People 2010

The Health Resources and Services Administration is committed to achieving the health promotion and disease prevention objectives of Healthy People 2010, a national program to reduce morbidity and mortality and improve the quality of life of the American people. The programs included in this document are supportive of many of the Healthy People 2010 areas of emphasis. Grantees and potential grantees are encouraged to be supportive of these areas as well HRSA participates on the Work Groups of all of the 28 Health People 2010 focus areas (chapters) and has the Federal co-lead responsibility for the following six focus areas:

1 Access to quality Health Services
7 Educational and Community-Based Services
13 HIV
16 Maternal, Infant, and Child Health
21 Oral Health
23 Public Health Infrastructure

Copies of Healthy People 2010 and related documents may be purchased from the Superintendent of Documents, ordered over the phone or by fax with a credit card number, or downloaded and/or printed out in entirety or in part at the Healthy People 2010 web site: *http://www.health.gov/healthypeople/document*. Web site viewers should click on ''publications.''

Healthy People 2010 publications may be purchased from the Superintendent of Documents, PO Box 371954, Pittsburgh, PA 15250–7954. By using a credit card, orders may be faxed to 202–512–2250, or phoned to 202–512–1800. Prices quoted include shipping and handling, and are subject to change. Healthy People 2010 publications include:

Healthy People 2010 (second edition; Volume 1, 608 pages, Focus Areas 1–14, includes black and white version of *Understanding and Improving Health*; Volume II, 664 pages, Focus Areas 15–28). Two-volume set: $70, S/N 017–000–00547–9.

Healthy Peoople 2010: Understanding and Improving Health (second edition; 76 pages four-color version) $10. S/N 017–001–00550–0.

Tracking Healthy People 2010 (996 pages; provides informationon measuring the objectives). $66 S/N 017–001–00548–7.

Healthy People 2010 CD–ROM (contains electronic file of understanding and improving Health, Healthy People 2010, and Tracking Healthy People 2010). $19 S/N 017–001–00549–5.

[FR Doc. 02–2129 Filed 1–24–02; 4:52 pm]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Health Professions Recruitment Program for Indians

AGENCY: Indian Health Service, HHS.

ACTION: Notice of competitive grant applications for the Health Professions Recruitment Program for Indians.

SUMMARY: The Indian Health Service (IHS) announces that competitive grant applications are now being accepted for the Health Professions Recruitment Program for Indians established by section 102 of the Indian Health Care Improvement Act of 1976 (25 U.S.C. 1612), as amended by Pub. L. 102–573. There will be only one funding cycle during fiscal year (FY) 2002. This program is described at section 93.970 in the Catalog of Federal Domestic Assistance and is governed by regulations at 42 CFR 36.310 et seq. Costs will be determined in accordance with OMB Circulars A–21, A–87, and A–122 (cost principles for different types of applicant organizations); and 45 CFR part 74 or 45 CFR part 92 (as applicable). Executive Order 12372 requiring intergovernmental review is not applicable to this program. This program is not subject to the Public Health System Reporting requirements.

The Department of Health and Human Services (DHHS) is committed to achieving the health promotion and disease prevention objectives of ''*Healthy People 2010,*'' a DHHS-led activity for setting priority areas. This program announcement is related to the priority area of Educational and Community-based programs. Potential applicants may obtain a copy of *Healthy People 2010,* Summary report No. 017–001–00549–5, or via CD–ROM, Stock No. 017–001–00549–5, through the Superintendent of Documents, Government Printing Office, PO Box 371954, Pittsburgh, PA 15250–7945, (202) 512–1800. You may access this information via the Internet at the following Web site: *www.health.gov/healthypeople/publication*

A. Smoke Free Workplace

IHS strongly encourages all grant recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. This is consistent with the DHHS mission to protect and advance the physical and mental health of the American people.

DATES: A. Application Receipt Date—An original and two copies of the completed grant application must be submitted with all required documentation to the Grants Management Branch, Division of Acquisition and Grants Management, 801 Thompson Avenue, Suite 120, Rockville, Maryland 20852, by close of business April 30, 2002.

Applications shall be considered as meeting the deadline if they are either: (1) Received on or before the deadline with hand carried applications received by close of business 5 p.m.; or (2) postmarked on or before the deadline and received in time to be reviewed along with all other timely applications. A legibly dated receipt from a commercial carrier or the U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks will not be accepted as proof of timely mailing. Late applications not accepted

for processing will be returned to the applicant and will *not* be considered for funding.

B. Additional Dates

1. *Application Review:* May 21–23, 2002.

2. *Applicants Notified of Results:* on or about June 14, 2002 (approved, recommended for approval but not funded, or disapproved).

3. *Anticipated Start Date:* August 1, 2002.

FOR FURTHER INFORMATION CONTACT: For program information, contact Ms. Jacqueline K. Santiago, Chief, Loan Repayment Program, 801 Thompson Avenue, Suite 120, Rockville, Maryland 20852, (301) 443–3396. For grants application and business management information, contact Mrs. Crystal Ferguson, Grants Management Officer, Grants Management Branch, Division of Acquisition and Grants Management, Indian Health Service, 801 Thompson Avenue, Suite 120, Rockville, Maryland 20852, (301) 443–5204. (The telephone numbers are not toll-free numbers).

SUPPLEMENTARY INFORMATION: This announcement provides information on the general program purpose, eligibility and preference, program objectives, required affiliation, fund availability and period of support, type of program activities considered for support, and application procedures for FY 2002.

A. General Program Purpose

The purpose of the Health Professions Recruitment program is to increase the number of American Indians and Alaska Natives entering the health professions and to assure an adequate supply of health professionals to the IHS, Indian Tribes, Tribal organizations, and urban Indian organizations involved in the provision of health care to Indian people.

B. Eligibility and Preference

The following organizations are eligible with preference given in the order of priority to:

1. Indian tribes,

2. Indian tribal organizations,

3. urban Indian organizations and other Indian health organizations; and

4. public and other nonprofit private health or educational entities.

C. Program Objectives

Each proposal must address the following *four* objectives to be considered for funding:

1. Identifying Indians with a potential for education or training in the health professions (excluding nursing—The Nursing profession is excluded because the IHS Nursing Recruitment Grant Program provides funding to increase the number of nurses who deliver health care services to Indians) and encouraging and assisting them:

(A) To enroll in courses of study in such health professions; or

(B) If they are not qualified to enroll in any such courses of study, to undertake such postsecondary education or training as may be required to qualify them for enrollment;

2. Publicizing existing sources of financial aid available to Indians enrolled in any courses of study referred to in paragraph (1) of this subsection or who are undertaking training necessary to qualify them to enroll in any such school.

3. Establishing other programs which the Secretary determines will enhance and facilitate the enrollment of Indians in, and the subsequent pursuit and completion by them of courses of study referred to in paragraph (1) of this section. To delivery the necessary student support systems to help to ensure that students who are recruited successfully complete their academic training. Support services may include:

A. Providing career counseling and academic advice;

B. Assisting students to identify academic deficiencies;

C. Assisting students to locate financial aid; monitoring students to identify possible problems;

D. Assisting with the determination of, need for, and location of tutorial services; and

E. Other related activities, which will help to retain students in school.

4. To work in close cooperation with the IHS, Tribes, Tribal organizations and urban Indian organizations, in locating and identifying non-academic period placement opportunities and practicum experiences, i.e., the IHS Extern Program authorized under section 105 of Pub. L. 94–437, as amended; assisting student with individual development plans in conjunction with identified placement opportunities; monitoring students to identify and evaluate possible problems; and monitoring and evaluating all placement and practicum experiences within the IHS to further develop and modify the program.

D. Required Affiliation

If the applicant is an Indian Tribe, Tribal organization, urban organization or other Indian health organization, or a public or nonprofit private health organization, the applicant must submit a letter of support from at least one school accredited for the health professions program, (excluding nursing). This letter must document linkage with that educational organization.

When the target population of a proposed project includes a particular Indian Tribe or Tribes, an official document, i.e., a letter of support or Tribal resolution must be submitted indicating that the Tribe or Tribes will cooperate with the applicant.

E. Fund Availability and Period of Support

It is anticipated that approximately $250,000 will be available for approximately 3 new grants. The average funding level for projects in FY 2001 was $83,000. The anticipated start date for selected projects will be August 1, 2002. Pursuant to 42 Code of Federal Regulations 36.313(c), the project period ''will usually be for one to two years.'' However, under this notice, projects will be awarded for a budget term of 12 months, with a maximum project period of up to three (3) years. A maximum project period of three (3) years is required so that key staff, such as project directors, may be recruited, without the financial and career uncertainty of a one or two year budget period and to enable the projects to carry out their recruitment activities without the added activity of applying for a grant every one or two years. Grant funding levels include both direct and indirect costs. Funding of succeeding years will be based on the FY 2002 level, continuing need for the program, satisfactory performance, and the availability of appropriations in those years.

F. Type of Program Activities Considered for Support

Funds are available to develop grant programs to locate and recruit students with potential for health professions degree programs (excluding nursing), and to provide support services to Indian students who are recruited.

G. Application Process

An *IHS Recruitment Grant Application Kit,* including the required PHS 5161–1 (Rev. 5/96) (OMB Approval No. 0920–0428) and the U.S. Government Standard forms (SF–424, SF–424A, and SF–424B), may be obtained from the Grants Management Branch, Division of Acquisition and Grants Management, Indian Health Service, 801 Thompson Avenue, Suite 120, Rockville, Maryland 20852, telephone (301) 443–5204. (This is not a toll free number.)

H. Grant Application Requirements

All applications must be single-spaced, typewritten, and consecutively

numbered pages using black type not smaller than 12 characters per one inch, with conventional one inch border margins, on only one side of standard size 8½ x 11 paper that can be photocopied. The application narrative (not including abstract, Tribal resolutions or letters of support, standard forms, table of contents or the appendix) must not exceed 20 typed pages as described above. All applications must include the following in the order presented:

—Standard Form 424, Application for Federal Assistance
—Standard Form 424A, Budget Information—Non-Construction Programs, (pages 1 and 2)
—Standard Form 424B, Assurances—Non-Construction Programs (front and back)
—Certifications, PHS 5161–1, (page 17-19)
—Checklist, PHS 5161–1, (pages 25–26), NOTE: Each standard form and the check list is contained in the PHS Grant Application, Form PHS 5161–1 (Revised 5/96)
—Project Abstract (one page)
—Table of Contents
—Program Narrative to include:
—Introduction and Potential Effectiveness of Project
—Project Administration
—Accessibility to Target Population
—Relationship of Objectives to Manpower Deficiencies
—Project Budget, including multi-year narratives, and
—Budget Justifications
—Appendix to include:
—Tribal Resolution(s) or Letters of Support
—Biographical sketches for key personnel or position descriptions if position is vacant
—Organizational chart
—Workplan
—Completed IHS Application Checklist
—Application Receipt Card, PHS 3038–1 Rev. 5–90.

I. Application Instructions

The following instructions for preparing the application narrative also constitute the standards (criteria or basis for evaluation) for reviewing and scoring the application. Weights assigned each section are noted in parenthesis.

Abstract—An abstract may not exceed one typewritten page. The abstract should clearly present the application in summary form, from a ''who-what-when-where-how-cost'' point of view so that reviewers see how the multiple parts of the application fit together to form a coherent whole.

Table of Contents—Provide a one page typewritten table of contents.

J. Narrative

1. Introduction and Potential Effectiveness (30 pts.)

a. Describe your legal status and organization.

b. State specific objectives of the project, which are measurable in terms of being quantified, significant to the needs of Indian people, logical, complete and consistent with the purpose of section 102.

c. Describe briefly what the project intends to accomplish. Identify the expected results, benefits, and outcomes or products to be derived from each objective of the project.

d. Provide a project specific work plan (milestone chart) which lists each objective, the tasks to be conducted in order to reach the objective, and the timeframe needed to accomplish each task. Timeframes should be projected in a realistic manner to assure that the scope of work can be completed within each budget period. (a work plan format is provided.)

e. In the case of proposed projects for identification of Indians with a potential for education or training in the health professions (excluding nursing), include a method for assessing the potential of interested Indians for undertaking necessary education or training in such health professions.

f. State clearly the criteria by which the project's progress will be evaluated and by which the success of the project will be determined.

g. Explain the methodology that will be used to determine if the needs, goals, and objectives identified and discussed in the application are being met and if the results and benefits identified are being achieved.

h. Identify who will perform the evaluation and when.

2. Project Administration (20 pts.)

a. Provide an organizational chart (include in appendix). Describe the administrative, managerial and organizational arrangements and the facilities and resources to be utilized to conduct the proposed project.

b. Provide the name and qualifications of the project director or other individuals responsible for the conduct of the project; the qualifications of the principal staff carrying out the project; and a description of the manner in which the applicant's staff is or will be organized and supervised to carry out the proposed project. Include biographical sketches of key personnel (or job descriptions if the position is vacant) (include in appendix).

c. Describe any prior experience in administering similar projects.

d. Discuss the commitment of the organization, i.e., although not required, the level of non-Federal support. List the intended financial participation, if any, of the applicant in the proposed project specifying the type of contributions such as cash or services, loans of full or part-time staff, equipment, space, materials or facilities or other contributions.

3. Accessibility to Target Population (20 pts.)

a. Describe the current and proposed participation of Indians (if any) in your organization.

b. Identify the target Indian population to be served by your proposed project and the relationship of your organization to that population.

c. Describe the methodology to be used to access the target population.

4. Relationship of Objectives to Health Professional Deficiencies (20 pts.)

a. Provide data and supporting documentation to address the relationship of objectives to health professional deficiencies.

b. Indicate the number of potential Indian students to be contacted and recruited as well as potential cost per student recruited. Those projects that have the potential to serve a greater number of Indians will be given first consideration.

5. Soundness of Fiscal Plan (10 pts.)

a. Clearly define the budget. Provide a justification and detailed breakdown of the funding by category for the first year of the project. Information on the project director and project staff should include salaries and percentage of time assigned to the grant. List equipment purchases necessary for the conduct of the project.

b. The available funding level of $250,000 is inclusive of both direct and indirect costs. Pursuant to Public Health Service Grants Policy (DHHS Publication No. (OASH) 94–50,000 (Rev.) April 1, 1994), a 'training grant' includes a grant for ''training or other educational purposes'', and the Department of Health and Human Services considers this grant activity as having an educational purpose. Because this project has an educational purpose, and, therefore, is for a training grant, the Department of Health and Human Services' policy limiting reimbursement of indirect costs to lesser of the applicant's actual indirect costs or 8 percent of total direct cost (exclusive of tuition and related fees and expenditures for equipment) is applicable. This limitation applies to all institutions of higher education other than agencies of State and local government.

c. Projects requiring additional years must include a program narrative and categorical budget and justification for

each additional year of funding requested (this is not considered part of the 20-page narrative).

Appendix—to include:

a. Tribal Resolution(s) or Letters of Support

b. Biographical sketches of key personnel or position descriptions if position is vacant

c. Organizational chart

d. Workplan

e. Completed IHS Application Checklist

f. Application Receipt Card, PHS 3038–1 Rev. 5–90.

K. Reporting

1. Progress Report—Program progress reports shall be required semiannually. These reports will include a brief description of a comparison of actual accomplishments to the goals established for the period, reasons for slippage and other pertinent information as required. A final report is due 90 days after expiration of the budget/project period.

2. Financial Status Report—Semiannually financial status reports will be submitted 30 days after the end of the half year. A final financial status report is due 90 days after expiration of the budget/project period. Standard Form 269 (long form) will be used for financial reporting.

L. Grant Administration Requirements

Grants are administered in accordance with the following documents:

1. 45 CFR part 92, HHS, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, or 45 CFR part 74, Uniform Administrative Requirements for Awards and Subawards to Institutions of Higher Education, Hospitals, Other Nonprofit Organizations, and Commercial Organization; and Certain Grants and Agreements with States, Local Governments and Indian Tribal Governments.

2. PHS Grants Policy Statement, and

3. Appropriate Cost Principles: OMB Circular A–21, Educational Institutions, OMB Circular A–87, State and Local Governments, and OMB Circular A–122, Non-profit Organizations.

M. Objective Review Process

An Objective Review Committee (ORC) in accordance with IHS objective review procedures will review applications meeting eligibility requirements that are complete, responsive, and conform to this program announcement. The objective review process ensures a nationwide competition for limited funding. The ORC will be comprised of IHS (40% or less) and other federal or non-federal individuals (60% or more) with appropriate expertise. The ORC will review each application against established criteria. Based upon the evaluation criteria, the reviewers will assign a numerical score to each application, which will be used in making the final funding decision. Approved applications scoring less than 60 points will not be considered for funding.

N. Results of the Review

The results of the objective review are forwarded to the Director, Office of Management Support (OMS), for final review and approval. The Director, OMS, will also consider the recommendations from the Acting Director, Division of Health Professions Support, and the Grants Management Branch. Applicants are notified in writing on or about July 7, 2002. A Notice of Grant Award will be issued to successful applicants. Unsuccessful applicants are notified in writing of disapproval. A brief explanation of the reasons the application was not approved is provided along with the name of an IHS official to contact if more information is desired.

Dated: January 22, 2002.

Michael H. Trujillo,

Assistant Surgeon General, Director, Indian Health Service.

[FR Doc. 02–2090 Filed 1–28–02; 8:45 am]

BILLING CODE 4160–16–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; Behavioral and Environmental Risk Factors for Childhood Drowning

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Institute of Child Health and Human Development (NICHD), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection Title: Behavioral and Environmental Risk Factors for Childhood Drowning. Type of Information Collection Request: NEW. Need and Use of Information Collection: The proposed study seeks to determine the relationship between swimming lessons, swimming ability, and other risk or protective factors on the one hand, and the risk of drowning on the other. Drowning is the second leading cause of unintentional injury death among children in the United States. Children under the age of five years are at particularly increased risk with drowning rates peaking among 1–2 year olds. Adolescent males are also at increased risk. While some preventive strategies, such as pool fencing, are known to be effective, the impact of other preventive strategies is unclear. For example, it is estimated that at least 20% of children between the ages of 1–4 years participate in formal swimming instructions, yet the effect of these instructions on the risk of drowning is unknown. Some argue that early exposure to swimming lessons might increase the risk of drowning by increasing exposure and decreasing children's fear of the water. Among adolescents, there is some indirect evidence that more skilled swimmers may be at increased risk of drowning. Better swimmers are likely to participate in more water-related activities and may feel confident enough to swim in higher risk settings, such as remote natural bodies of water with no lifeguards present. The findings from this study will provide valuable information concerning risk and protective factors for childhood drownings, information that is crucial in directing future preventive efforts. The proposed study will utilize a case-control methodology to identify associations between behavioral and environmental factors and the risk of drowning.

Interviews will be conducted with parents/guardians of 1500 children. Additionally, interviews may be conducted with approximately 400 adolescents (ages 12 ''19 years) to assess risk behaviors related to water activities. Interviews will be conducted over a 27 month study period. Frequency of Response: Two occasions. Affected Public: Individuals or households. Type of Respondents: Parents or Guardians, Adolescents. The annual reporting burden is as follows: Estimated Number of Respondents: 1,900; Estimated Number of Responses per Respondent: 2; Average Burden Hours Per Response: 0.33; and Estimated Total Annual Burden Hours Requested: 557. There are no Capital Costs, Operating Costs and/or Maintenance Costs to report.

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper

performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Charles Grewe, Contracting Officer, NICHD, NIH. Address: 6100 Executive Blvd., Suite 7A07, Bethesda, MD 20892–7510 ; e-mail address *cg59b@nih.gov;* Phone: (301)496–4611 (collect calls can not be accepted).

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60-days of the date of this publication.

Dated: January 15, 2002.

Thomas E. Hooven,

Associate Director for Administration, NICHD.

[FR Doc. 02–2115 Filed 1–28–02; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (301) 443–7978.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: National Evaluation of the Comprehensive Community Mental Health Services for Children and Their Families Program, Phase Two—(OMB No. 0930–0192, Revision)—SAMHSA's Center for Mental Health Services (CMHS) is conducting Phase II of this national evaluation project. Phase II collects data on child mental health outcomes, family life, and service system development and performance. Child and family outcomes of interest include the following: child symptomatology and functioning, family functioning and material resources, and caregiver strain. Delivery system variables of interest include the following: system of care development, adherence to system of care principles, coordination and linkages among agencies, and congruence between services planned versus those received.

To address the research questions in the national evaluation, a longitudinal quasi-experimental design is being used that includes data collection in all grantee sites and comparison sites (where services are delivered in a more traditional manner). This multi-level evaluation is comprised of several major components. Data collection methods include interviews with caregivers and youth, site visits, case record reviews, service diaries, and provider surveys.

Data collection for this evaluation will be conducted over a six year period. The length of time that families will participate in the study ranges from 18 to 36 months depending on when they enter the evaluation. The average annual respondent burden is estimated below; this represents an annual average burden reduction of 5,537 hours from the level currently approved by the Office of Management and Budget.

This revision to the currently approved data collection activities involves: (1) Reducing the number of sites where data collection will occur from 27 to 25, (2) extending the time frame for data collection by an additional 18 months, (3) adding a treatment effectiveness study in two sites including assessment of outcomes, treatment fidelity, and interaction of the treatment with the larger system of care, (4) adding a survey of clinicians/practitioners on their use of evidence-based treatments, and (5) adding a study of how systems of care are sustained after program funding ends.

Respondent	Number of respondents	Responses/ Respondent	Burden/ Response	Total burden hours
Caregiver	5550	.86	2.36	11,264
Youth	3330	.69	1.15	2,642
Provider	1993	.54	.53	570
Total				14,476

Send comments to Nancy Pearce, SAMHSA Reports Clearance Officer, Room 16–105, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: January 22, 2002.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 02–2086 Filed 1–28–02; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (301) 443–7978.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: 2002 Survey of Mental Health Organizations, General Hospital Mental Health Services, and Managed Care Organizations (SMHO)—(OMB No 0930–0119, Revision)—The 2002 SMHO, to be conducted by SAMHSA's Center for Mental Health Services (CMHS), will be conducted in two phases. There will be only minor changes to the forms used in the 2000 SMHO. Phase I will be a brief two-three page inventory consisting of four forms: (1) A specialty mental health organization form; (2) A general hospital or Veterans Affairs Medical Center with either separate mental health services or integrated mental health services forms; (3) A community residential organization form; and (4) A managed behavioral healthcare organization form. This short inventory will be sent to all known organizations to define the universe of valid mental health organizations to be sampled in Phase II. The inventory will collect basic information regarding the name and address of the organizations, their type and ownership, size measures (e.g., number of staff), and the kinds of services provided.

Phase II will sample approximately 2,000 mental health organizations and utilize a more detailed survey instrument. Although the Sample Survey form will be more comprehensive, it will be very similar to surveys and inventories fielded in 2000 and earlier. The organizational data to be collected by the Sample Survey form include university affiliation, client/patient census by basic demographics, revenues, expenditures, and staffing.

The resulting data base will be used to provide national estimates and will be the basis of the National Directory of Mental Health Services. In addition, data derived from the survey will be published by CMHS in *Data Highlights,* in *Mental Health, United States,* and in professional journals such as *Psychiatric Services* and the *American Journal of Psychiatry. Mental Health, United States* is used by the general public, state governments, the U.S. Congress, university researchers, and other health care professionals. The following table summarizes the burden for the survey.

Questionnaire	Number of respondents	Responses/ respondent	Average hours/ response	Total burden (Hrs.)
Phase I (Inventory)				
Specialty Mental Health Organizations	3,342	1	0.25	836
General Hospitals:				
with Separate Psych. Units	1,622	1	0.25	406
without Separate Psych. Units	3,514	1	0.25	879
VA Medical Centers	145	1	0.25	36
Community Residential Organizations	945	1	0.025	236
Managed Care Organizations	990	1	0.025	248
Phase II (Sample Survey)				
Specialty Mental Health Organizations	1,308	1	3.50	4,578
General Hospitals and VA Hospitals with Separate Mental Health Services	692	1	3.50	2,422
Total	12,558			9,641
3-year Average	4,186			3,214

Send comments to Nancy Pearce, SAMHSA Reports Clearance Officer, Room 16–105, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: January 22, 2002.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 02–2087 Filed 1–28–02; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Fish and Wildlife Service

Bureau of Land Management

Minerals Management Service

Bureau of Indian Affairs

National Park Service

Bureau of Reclamation

Geological Survey

Alternate Agency Mail Sites for Submission of Comments

AGENCIES: Fish and Wildlife Service, Bureau of Land Management, Minerals Management Service, Bureau of Indian Affairs, National Park Service, Bureau of Reclamation and the Geological Survey; Interior.

ACTION: Notice of alternate agency mail sites for submission of comments to rulemaking documents, notices, and any other relevant Departmental documents under public review and for which comments have been solicited.

SUMMARY: The Office of the Secretary, along with its various agencies, gives notice to the public of alternate agency mail site for submission of comments to rulemaking documents, notices, and any other relevant Departmental documents under public review for which comments have been solicited and for which a Washington, DC, address was indicated. In addition, because the Department Internet access, including receipt of outside Email, has been shut down under court order until further notice, these alternate agency mail sites should be used instead of any electronic transmittal of public comments, unless otherwise noted by the specific agency. This notice does not apply to written comments that are to be sent to addresses outside of Washington, DC.

DATES: This notice is effective January 29, 2002.

ADDRESSES: The alternate mail sites for the submission of comments to the Department's agencies are as follows:

- Fish and Wildlife Service, 4401 North Fairfax Drive, Office of Policy, Directives and Management, Arlington, VA 22203.
- Bureau of Land Management, Eastern States Office, 7450 Boston Blvd., Springfield, VA 22153.
- Minerals Management Service. All comments will be received by the Regional Offices, as indicated in the agency's request for submission of comments, unless otherwise noted.
- Bureau of Indian Affairs, Eastern Office, Office of the Regional Director, 711 Stewarts Ferry Pike, Nashville, TN 37214.
- National Park Service. Comments will be received on a park-specific basis, as indicated in the agency's request for public comments, unless otherwise noted.
- Bureau of Reclamation. Comments will be received on a project-specific basis, as indicated in the agency's request for public comments, unless otherwise noted.
- US Geological Survey, The National Center, 12201 Sunrise Valley Drive, Reston, VA 20192.

FOR FURTHER INFORMATION CONTACT: Duncan L. Brown, Office of the Secretary, Washington, DC 202/208–4582.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to ensure that the public's comments on rulemaking documents, notices, and other relevant documents for which comments have been solicited and for which a Washington, DC, address was indicated, are received by the Department's agencies for appropriate consideration. This action is taken due to the closure of the Brentwood Postal Facility, Washington, DC, on October 21, 2001, because of the threat of anthrax contamination. While some mail from this facility has been retrieved, the delay in mail delivery to the Department's agencies in the Washington, DC, area continues because of enhanced screening of all mail coming to the agencies' Washington offices. This action today will ensure that comments that were to be sent to Washington, DC, are retrieved in a timely manner. A separate postal facility will now receive incoming comments and the agencies' offices identified in the **ADDRESSES** section of this notice (outside Washington, DC, postal delivery) will take appropriate measures to transmit public comments to the respective offices.

The Department's agencies normally encourage electronic transmittal of comments under directives for more efficient government. However, a Federal district court has ordered the shutdown of the Department's internet access, including outside Email. Consequently, the Department's agencies ask that the public submit only written comments to those agency sites as identified in the **ADDRESSES** section of this notice until further notice, because Department is not able to receive electronic submissions at this time.

Dated: January 18, 2002.

P. Lynn Scarlett,

Assistant Secretary—Policy Management and Budget.

[FR Doc. 02–1916 Filed 1–28–02; 8:45 am]

BILLING CODE 4310–RK–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–040–1430–ET; AA–82857]

Notice of Public Open House for Russian River Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, has filed an application in accordance with 43 CFR part 2300. The Bureau of Land Management Anchorage Field Office and the Forest Service Seward Ranger District announces a public Open House for the general public to consider and comment on the Forest Service application to withdraw approximately 2,998 acres of National Forest System land within the Russian River and Upper Russian Lake Recreation Corridor.

DATES: The meeting dates are:

1. February 25, 2002, 7 p.m. to 9 p.m. Anchorage.
2. February 26, 2002, 7 p.m. to 9 p.m. Soldotna.

ADDRESSES: The meeting locations are:

1. Anchorage—Campbell Creek Science Center, 6881 Abbott Loop Road, Anchorage, AK.
2. Soldotna—Kenai Peninsula Borough Assembly Chambers, 144 N. Binkley, Soldotna, AK.

SUPPLEMENTARY INFORMATION: On February 2, 2001, the U.S. Department of Agriculture, Forest Service, filed an application to withdraw the Forest Service lands from the public land laws, including location and entry under the United States mining laws, subject to

valid existing rights. The public lands have been and will remain open to mineral leasing. The proposed withdrawal will aid in protecting the fisheries, recreational, and archeological resources of the area.

The purpose of the Open House is to initiate public involvement and to solicit public comment on the proposed Forest Service withdrawal. Information obtained through the public Open House will be incorporated into the Environmental Assessment. If warranted, an Environmental Impact Statement will be done.

FOR FURTHER INFORMATION CONTACT: Kathy Stubbs at (907) 267–1284.

Peter Ditton,

Anchorage Field Manager.

[FR Doc. 02–2159 Filed 1–28–02; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–933–1430–ET; F–022951]

Public Land Order No. 7509; Partial Revocation of Public Land Order No. 2020, as Amended; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order insofar as it affects 0.36 acre of public land withdrawn for use by the Department of Army for the Alakanuk National Guard Site. The land is no longer needed for the purpose for which it was withdrawn. The land has been overtaken by the Alakanuk Pass of the Yukon River and is now submerged. The land will continue to be withdrawn as part of the Yukon Delta National Wildlife Refuge, as established and designated by the Alaska National Interest Lands Conservation Act of 1980.

EFFECTIVE DATE: January 29, 2002.

FOR FURTHER INFORMATION CONTACT: Robbie J. Havens, Bureau of Land Management, Alaska State Office, 222 W. 7th Avenue, No. 13, Anchorage, Alaska 99513–7599, 907–271–5049.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. Public Land Order No. 2020, as amended, which withdrew public land for the Alakanuk National Guard Site is hereby revoked insofar as it affects the following described land:

Seward Meridian

T. 30 N., R. 82 W.,
U.S. Survey No. 4092, lot 3.

The area described contains 0.36 acre.

2. The land affected by this order will remain part of and subject to the terms and conditions of the Yukon Delta National Wildlife Refuge pursuant to section 303(7) of the Alaska National Interest Lands Conservation Act, 16 U.S.C. 668(dd) (1994), and any other withdrawal or segregation of record.

Dated: January 17, 2002.

J. Steven Griles,

Deputy Secretary.

[FR Doc. 02–2158 Filed 1–28–02; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–956–09–1420–00]

Arizona; Notice of Filing of Plats of Survey

October 9, 2001.

1. The plats of survey of the following described land were officially filed in the Arizona State Office, Phoenix, Arizona, on the dates indicated:

A plat representing the dependent resurvey of the Seventh Standard Parallel North, through Range 18 East, (N. Bdy.), the south and east boundaries and a portion of the subdivisional lines, Township 28 North, Range 18 East, of the Gila and Salt River Meridian, Arizona, accepted August 20, 2001 and officially filed August 30, 2001.

This plat was prepared at the request of the Bureau of Indian Affairs, Western Regional Office.

A plat representing the dependent resurvey of the Seventh Standard Parallel North, through Range 19 East, (N. Bdy.), the south boundary and a portion of the subdivisional lines, and the survey of the east boundary and a portion of the subdivisional lines, Township 28 North, Range 19 East, of the Gila and Salt River Meridian, Arizona, accepted September 5, 2001 and officially filed September 14, 2001.

This plat was prepared at the request of the Bureau of Indian Affairs, Western Regional Office.

A plat representing the dependent resurvey of a portion of the west and south boundaries, a portion of the boundary of Management District Number 6, Hopi Indian Reservation, and a portion of segment ''B'' of the Navajo-Hopi Partition Line, and the survey of the Seventh Standard Parallel North through Range 20 East, (N. Bdy.), the Fifth Guide Meridian East through Township 28 North, (E. Bdy.), and the subdivisional lines, Township 28 North, Range 20 East, of the Gila and Salt River Meridian, Arizona, accepted September 17, 2001 and officially filed September 21, 2001.

This plat was prepared at the request of the Bureau of Indian Affairs, Western Regional Office.

A plat representing the survey of the south and east boundaries and the subdivisional lines, Township 36 North, Range 27 East, of the Gila and Salt River Meridian, Arizona, accepted August 23, 2001 and officially filed August 30, 2001.

This plat was prepared at the request of the Bureau of Indian Affairs, Navajo Regional Office.

A plat representing the dependent resurvey of Mineral Survey Numbers 689 and 690 and a metes-and-bounds survey in Mineral Survey Number 689, Township 13 North, Range 1 West, of the Gila and Salt River Meridian, Arizona, accepted July 10, 2001 and officially filed July 19, 2001.

This plat was prepared at the request of the United States Forest Service.

A plat in five sheets representing the dependent resurvey of a portion of the Gila and Salt River Base Line, a portion of the east and west boundaries and a portion of the subdivisional lines, the subdivision of section 13 and the metes-and-bounds survey of the Eagletail Mountains Wilderness Area boundary, Township 1 North, Range 10 West, of the Gila and Salt River Meridian, Arizona, accepted July 23, 2001 and officially filed August 3, 2001.

This plat was prepared at the request of the Bureau of Land Management, Arizona State Office.

A plat representing the metes-and-bounds survey of the Eagletail Mountains Wilderness Area boundary, in unsurveyed Township 1 North, Range 11 West, of the Gila and Salt River Meridian, Arizona, accepted July 23, 2001 and officially filed August 3, 2001.

This plat was prepared at the request of the Bureau of Land Management, Arizona State Office.

A plat in four sheets representing the dependent resurvey of a portion of the subdivisional lines, and the subdivision of sections 21 and 28, and the metes-and-bounds survey of the Eagletail Mountains Wilderness Area boundary, Township 2 North, Range 11 West, of the Gila and Salt River Meridian, Arizona, accepted July 23, 2001 and officially filed August 3, 2001.

This plat was prepared at the request of the Bureau of Land Management, Arizona State Office.

A plat in four sheets representing the dependent resurvey of a portion of the

Gila and Salt River Base Line and a portion of the subdivisional lines and the metes-and-bounds survey of the Eagletail Mountains Wilderness Area boundary, Township 1 North, Range 12 West, of the Gila and Salt River Meridian, Arizona, accepted July 30, 2001 and officially filed August 10, 2001.

This plat was prepared at the request of the Bureau of Land Management, Arizona State Office.

A plat in three sheets representing the dependent resurvey of a portion of the south boundary and the metes-and-bounds survey of the Eagletail Mountains Wilderness Area boundary in Township 2 North, Range 12 West, of the Gila and Salt River Meridian, Arizona, accepted July 30, 2001 and officially filed August 10, 2001.

This plat was prepared at the request of the Bureau of Land Management, Arizona State Office.

A plat in five sheets representing the dependent resurvey of a portion of the Gila and Salt River Base Line, Township 1 North, Range 9 West, a portion of the east and west boundaries and a portion of the subdivisional lines, the subdivision of sections 16 and 19 and the metes-and-bounds survey of the Eagletail Mountains Wilderness Area boundary, Township 1 South, Range 10 West, of the Gila and Salt River Meridian, Arizona, accepted July 30, 2001 and officially filed August 10, 2001.

This plat was prepared at the request of the Bureau of Land Management, Arizona State Office.

A plat in four sheets representing the dependent resurvey of a portion of the subdivisional lines, the subdivision of sections 24 and 26 and the metes-and-bounds survey of the Eagletail Mountains Wilderness Area boundary, Township 1 South, Range 11 West, of the Gila and Salt River Meridian, Arizona, accepted July 30, 2001 and officially filed August 10, 2001.

This plat was prepared at the request of the Bureau of Land Management, Arizona State Office.

A plat in three sheets representing the dependent resurvey of a portion of the south boundary and the metes-and-bounds survey of the Eagletail Mountains Wilderness Area boundary, Township 1 South, Range 12 West, of the Gila and Salt River Meridian, Arizona, accepted July 30, 2001 and officially filed August 10, 2001.

This plat was prepared at the request of the Bureau of Land Management, Arizona State Office.

A plat representing the metes-and-bounds survey of the Eagletail Mountains Wilderness Area boundary, Township 2 South, Range 12 West, of the Gila and Salt River Meridian, Arizona, accepted July 30, 2001 and officially filed August 10, 2001.

This plat was prepared at the request of the Bureau of Land Management, Arizona State Office.

A plat representing the dependent resurvey of a portion of the west boundary and a portion of the subdivisional lines, the subdivision of section 19 and a metes-and-bounds survey in section 19, Township 12 South, Range 19 East, of the Gila and Salt River Meridian, Arizona, accepted August 31, 2001 and officially filed September 7, 2001.

This plat was prepared at the request of the Bureau of Land Management, Arizona State Office.

These plats will immediately become the basic records for describing the land for all authorized purposes. These plats have been placed in the open files and are available to the public for information only.

2. All inquiries relating to these lands should be sent to the Arizona State Office, Bureau of Land Management, 222 N. Central Avenue, P.O. Box 1552, Phoenix, Arizona 85001–1552.

Kenny D. Ravnikar,

Chief Cadastral Surveyor of Arizona.

[FR Doc. 02–2157 Filed 1–28–02; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–960–1910–BJ–4489] ES–51278, Group 32, Missouri

Notice of Filing of Plat of Survey; Missouri

The plat of the dependent resurvey of portions of various U.S. surveys and the survey of the Locks and Dam No. 26 replacement acquisition boundary and the Lock and Dam No. 26 acquisition boundary, in Townships 47 and 48 North, Ranges 7 and 8 East of the 5th Principal Meridian, Missouri, will be officially filed in Eastern States, Springfield, Virginia at 7:30 a.m., on February 13, 2002.

The survey was requested by the U.S. Army Corps of Engineers.

All inquiries or protests concerning the technical aspects of the survey must be sent to the Chief Cadastral Surveyor, Eastern States, Bureau of Land Management, 7450 Boston Boulevard, Springfield, Virginia 22153, prior to 7:30 a.m., February 13, 2002.

Copies of the plat will be made available upon request and prepayment of the appropriate fee.

Dated: December 14, 2001.

Stephen D. Douglas,

Chief Cadastral Surveyor.

[FR Doc. 02–2160 Filed 1–28–02; 8:45 am]

BILLING CODE 4310–GJ–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before January 5, 2002. Pursuant to section 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW, NC400, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 800 N. Capitol St. NW., Suite 400, Washington, DC 20002; or by fax, 202–343–1836. Written or faxed comments should be submitted by February 13, 2002.

Carol D. Shull,

Keeper of the National Register Of Historic Places.

Arizona

Navajo County:
Winslow Commercial Historic District (Boundary Increase), 112 Kingsley Ave., Winslow, 02000012

Arkansas

Pulaski County:
Governor's Mansion Historic District (Boundary Increase), Roughly along Louisiana Ave., from W. 23rd St. and 24th St., Little Rock, 02000010

Fed. States

Kosrae Freely associated state:
Safonfok, Address Restricted, Walung, 02000004

Florida

Alachua County:
Winecoff House, 102 NE Seminary Ave., Micanopy, 02000001

Martin County:
Burn Brae Plantation—Krueger House, 1170 South East Ocean Blvd., Stuart, 02000002

Volusia County:
Chief Master at Arms House, (Florida's Historic World War II Military Resources MPS), 910 Biscayne Blvd., DeLand, 02000003

Idaho

Kootenai County:
Farragut Naval Training Station Brig, ID 54, Farragut State Park, 02000014
Washington County:
Edwards—Gillette Barn, 3059 Rush Creek Rd., Cambridge, 02000013

Missouri

Ozark County:
Hodgson-Aid Mill, MO 181, Sycamore, 02000015

New York

Clinton County:
Lyon Mountain Railroad Station, 2914 First St., Lyon Mountain, 02000005
Lewis County:
Lewis County Fairgrounds, Bostwick St., Lowville, 02000006

North Carolina

Rutherford County:
Main Street Historic District, Rpughly bounded by Blanton Alley, Huntley St., Yarboro St., and Broadway St., Forest City, 02000017
Wake County:
Apex Historic District (Boundary Increase), Grove and Thompson Sts., and parts of Hunter St., Apex, 02000016
Wilson County:
Thompson, Alfred and Martha Jane, House and Williams Barn, NC 1314, 0.4 mi. W of NC 58, New Hope, 02000007

South Dakota

Aurora County:
Lincoln House, 324 S. Main, Stickney, 02000023
Clark County:
Clark County: Courthouse, (County Courthouses of South Dakota MPS), 200 N. Commercial St., Clark, 02000026
Clay County:
Building at 125 Ohio St., 125 Ohio St., Wakonda, 02000021
Messler, Daniel A., Homestead, 30337 Greenfield Rd., Bersford, 02000022
Lawrence County:
McLaughlin Ranch Barn, 6025 E. Colorado Blvd., Spearfish, 02000025
Minnehaha County:
Dell Rapids Amphitheater, (Federal Relief Construction in South Dakota MPS), City Park, Dell Rapids, 02000020
St. Peter's Lutheran Church, 701 North Orleans, Dell Rapids, 02000018
Tolefsons Beef Stock Farm, 24450 458th Ave., Colton, 02000019
Sanborn County:
Woonsocket State Bank, 201 S. Dumont Ave., Woonsocket, 02000024

Tennessee

Shelby County:
Mt. Airy, 10700 Latting Rd., Cordova, 02000011

Texas

Dallas County:
Goodyear Tire and Rubber Company Building and B.F. Goodrich Building, 2809 Parry Ave. and 4136–40 Commerce St., Dallas, 02000009

Vermont

Chittenden County:
Sand Bar State Park, (Historic Park Landscapes in National and State Parks MPS), 1215 US 2, Milton, 02000028
Lamoille County:
Stowe CCC Side Camp, 6992 Mountain Rd., Stowe, 02000027
Orange County:
Thetford Hill State Park, (Historic Park Landscapes in National and State Parks MPS), 622 Academy Rd., Thetford, 02000029
Windham County:
Townshend State Park, (Historic Park Landscapes in National and State Parks MPS), 2755 State Forest Rd., Townshend, 02000030

Wisconsin

Bayfield County:
Forest Lodge, Garmisch Rd., Namakagon, 02000031

A Request for REMOVAL has been made for the following resource:

Mississippi

Jackson County:
Cochran-Cassanova House (Ocean Springs MRA), 9000 Robinson St., Ocean Springs, 87000595

[FR Doc. 02–2062 Filed 1–28–02; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before January 12, 2002. Pursuant to section 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW, NC400, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 800 N. Capitol St. NW, Suite 400, Washington DC, 20002; or by fax, 202–343–1836. Written or faxed comments should be submitted by February 13, 2002.

Carol D. Shull,

Keeper of the National Register of Historic Places.

Arizona

Cochise County:
Sacred Heart Church, 516 Safford St., Tombstone, 02000032
Pima County:
Arizona Daily Star Building, 30 N. Church Ave., Tucson, 02000033

Arkansas

Pulaski County:
Argenta Historic District (Boundary Increase), 616 Orange St., 116 W. 7th St., 206 W. 7th St., 212 W. 7th St., 220 W. 7th St., 616 Maple St., and 620 Maple St., North Little Rock, 02000076

California

Los Angeles County:
Azusa Civic Center, 213 Foothill Blvd., Azusa, 02000034

Colorado

El Paso County:
Colorado Springs City Hall, 107 N. Nevada Ave., Colorado Springs, 02000075

Delaware

New Castle County:
Wilmington YMCA, 501 W. 11th St., Wilmington, 02000035

Georgia

Chattooga County:
Riegel Hospital, 194 Allgood St., Trion, 02000079
Fulton County:
Empire Manufacturing Company Building, 575 Glen Iris Dr., NE, Atlanta, 02000078
Greene County:
Siloam Junior High School, 473 GA 15S, Siloam, 02000036
Harris County:
Whitesville Methodist Episcopal Church, South, and Cemetery, 4731 Pine Lake Rd., Whitesville, 02000077
Lumpkin County:
Holly Theatre, 69 W. Main St., Dahlonega, 02000080

Illinois

Richland County:
Olney Carnegie Library, (Illinois

Carnegie Libraries MPS) 401 E. Main St., Olney, 02000037

Louisiana

Orleans Parish:
Shell Building, 925 Common St., New Orleans, 02000039
Red River Parish:
Thomas House, 787 LA, Martin, 02000038

Massachusetts

Barnstable County:
Teaticket School, 340 Teaticket Hwy, MA 28 at Sandwich Rd., Falmouth, 02000082
Suffolk County:
Francis and Isabella Apartments, 430–432 and 434–436 Dudley St., Boston, 02000081

Michigan

Berrien County:
Fidelity Building, 162 Pipestone St., Benton Harbor, 02000042
Calhoun County:
Milk Producers Company Barn, 47 S. Cass St., Battle Creek, 02000043
Menominee County:
Wells, J.W., State Park, N7670 MI M–35, Cedarville, 02000040
Wayne County:
Ford Piquette Avenue Plant, 411 Piquette Ave., Detroit, 02000041
Leland, Nellie, School, 1395 Antietam St., Detroit, 02000044

Mississippi

Harrison County:
Biloxi Veterans Administration Medical Center, 400 Veterans Ave., Biloxi, 02000045

Missouri

Johnson County:
Howard School, 400 W. Culton St., Warrensburg, 02000046

Montana

Lewis and Clark County:
Montana State Arsenal, Armory and Drill Hall, 1100 North Main, Helena, 02000048
Stillwater County:
4K Ranch, Fiddler Creek Rd., Dean, 02000049
Halfway House, 3951 MT 78, Columbus, 02000047

New Mexico

Bernalillo County:
Jonson Gallery and House, 1909 Las Lomas Rd. NE, Albuquerque, 02000050
Eddy County:
Dark Canyon Apache Rancheria—Military Battle Site, Address Restricted, Queen, 02000083

New York

Onondaga County:
Berkeley Park Subdivision Historic District, (Historic Designed Landscapes of Syracuse MPS) Roughly bounded by Strattford St., Ackerman Ave., Morningside Cemetery, and Comstock Ave., Syracuse, 02000055
Oswego County:
Clarke, Edwin W. and Charlotte, House, (Freedom Trail, Abolitionism, and African American Life in Central New York MPS), 80 E. Mohawk St., Oswego, 02000052
Green, Nathan and Clarissa, House, (Freedom Trail, Abolitionism, and African American Life in Central New York MPS), 98 West Eight St., Oswego, 02000054
Littlefield, Hamilton and Rhoda, House, (Freedom Trail, Abolitionism, and African American Life in Central New York MPS), 44 E. Oneida St., Oswego, 02000051
Pease, Daniel and Miriam, House, (Freedom Trail, Abolitionism, and African American Life in Central New York MPS), 361 Cemetery Rd., Oswego, 02000053

North Carolina

Mecklenburg County:
Pharradale Historic District, Bounded by Biltmore, Dr., Cherokee Rd., Providence Rd. and Scotland Ave., Charlotte, 02000057
Pitt County:
Red Banks Primitive Baptist Church, NC 1704, jct. with NC 1725, Bell Fork, 02000060
Rutherford County:
Washburn Historic District, 2401, 2426, 2436 Bostic-Sunshine Hwy, 1391,1392 Andrews Mill Rd., 126–156, 157 Salem Church Rd., Bostic, 02000056
Wake County:
Downtown Wake Forest Historic District, (Wake County MPS) South White St. roughly from E. Roosevelt Ave. to Owen Ave., Wake Forest, 02000059
Glenwood—Brooklyn Historic District (Boundary Increase and Decrease), Roughly bounded by W. Peace St., St. Mary's St., Wills Forest St. and Glenwood Ave., Raleigh, 02000058

Ohio

Erie County:
First Regular Anti-Slavery Baptist Church, 315 Decatur St., Sandusky, 02000061
Summit County:
Schmitt, Louis, House and Store, 2967 Hickory St., Clinton, 02000084

Pennsylvania

Blair County:
Knickerbocker Historic District, 4th, 5th and 6th Aves., Burgoon Rd., 40th and 41Sts., Altoona, 02000064
Bradford County:
Troy Public High School, 250 High St., Troy, 02000067
Chester County:
Byers Station Historic District, Jct. of Byers and Eagle Farm Rds., Upper Uwchlan, 02000062
Franklin County:
Burns, Jeremiah, Farm, 10988 Fish and Game Rd., Waynesboro, 02000065
Lancaster County:
Byers—Muma House, 1402 Trout Run Rd., East Donegal, 02000070
Mifflin County:
Pennsylvania Main Line Canal, Juniata Division, Canal Section, 1.5 mi. section of canal bet. PA RR Main Line and Juniata River, Granville Township, 02000069
Philadelphia County:
Fairmount Avenue Historic District, Fairmount Ave., Melon St., North St., 15th St., 16th St., and 17th St., Philadelphia, 02000066
Smyser and English Pharmacy, 245–247 W. Chelten Ave., Philadelphia, 02000071
Social Service Building, 311 S. Juniper St., Philadelphia, 02000063
Somerset County:
Second National Bank of Meyersdale, 151 Center St., Meyersdale, 02000068

Tennessee

White County:
Community Building, 5 W. Maple St., Sparta, 02000085

Texas

Harris County:
Houston Post-Dispatch Building, 609 Fannin, Houston, 02000072
Hays County:
Bunton Branch Bridge, Cty. Rd. 210, approx. 0.2 mi. NW of jct. with IH–35 at Bunton Overpass, Kyle, 02000086

Washington

King County:
McGrath Cafe and Hotel—The McGrath, 101 W. North Bend Way, North Bend, 02000089
Snohomish County:
Stanwood IOOF Public Hall, 27128 102nd Ave. NW, Stanwood, 02000087
Spokane County:
Hutton, Levi and May Arkwright, House, 2206 W. 17th Ave., Spokane, 02000088

Wisconsin

Oconto County:

Boulder Lake Site, (Historic Logging Industry in State Region 2 and the Nicolet NF MPS), Address Restricted, Doty, 02000073

In an effort to assist in the preservation of the following resource the comment period has been reduced to three (3) days:

California

Los Angeles County:
Hoover Hotel, 7035 Greenleaf Ave., Whittier, 02000074

A request for REMOVAL has been made for the following resources:

Iowa

Muscatine County:
Bowman Livery Stable, 219 E. Mississippi Dr., Muscatine, 74000799

Tennessee

Montgomery County:
Drane-Foust House, 319 Home Ave., Clarksville, 88001023

Shelby County:
Saunders, Clarence, Estate, 5922 Quince, Memphis, 89001969

[FR Doc. 02–2063 Filed 1–28–02; 8:45 am]

BILLING CODE 4310–70–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–943 (Final)]

Circular Welded Non-Alloy Steel Pipe From China

AGENCY: United States International Trade Commission.

ACTION: Scheduling of the final phase of an antidumping investigation.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping investigation No. 731–TA–943 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act) to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of less-than-fair-value imports from China of circular welded non-alloy steel pipe, provided for in subheadings 7306.30.10 and 7306.30.50 of the Harmonized Tariff Schedule of the United States.[1]

For further information concerning the conduct of this phase of the investigation, hearing procedures, and rules of general application, consult the Commission's rules of practice and procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

EFFECTIVE DATE: December 31, 2001.

FOR FURTHER INFORMATION CONTACT: Sioban Maguire (202–708–4721), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server *(http://www.usitc.gov).* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at *http://dockets.usitc.gov/eol/public.*

SUPPLEMENTARY INFORMATION:

Background.—The final phase of this investigation is being scheduled as a result of an affirmative preliminary determination by the Department of Commerce that imports of certain circular welded carbon quality steel pipe from China are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. 1673b). The investigation was requested in a petition filed on May 24, 2001, by Allied Tube & Conduit Corp., Harvey, IL; IPSCO Tubulars, Inc., Camanche, IA; LTV Copperweld, Youngstown, OH; Northwest Pipe Co., Portland, OR; Western Tube & Conduit Corp., Long Beach, CA; Century Tube Corp., Pine Bluff, AR; Laclede Steel Co., St. Louis, MO; Maverick Tube Corp., Chesterfield, MO; Sharon Tube Co., Sharon, PA; Wheatland Tube Co., Wheatland, PA; and the United Steelworkers of America, AFL–CIO.

Participation in the investigation and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in §201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigation need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to §207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of this investigation available to authorized applicants under the APO issued in the investigation, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. § 1677(9), who are parties to the investigation. A party granted access to BPI in the preliminary phase of the investigation need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of this investigation will be placed in the nonpublic record on May 6, 2002, and a public version will be issued thereafter, pursuant to §207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of this investigation beginning at 9:30 a.m. on May 17, 2002 at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before May 9, 2002. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference

[1] For purposes of this investigation, the Department of Commerce has defined the subject merchandise as ''certain welded carbon quality steel pipes and tubes, of circular cross section, with an outside diameter of 0.372 inch (9.45 mm) or more, but not more than 16 inches (406.4 mm), regardless of wall thickness, surface finish (black, galvanized, or painted), end finish (plain end, beveled end, grooved, threaded, or threaded and coupled), or industry specification (ASTM, proprietary, or other), generally known as standard pipe and structural pipe.'' The scope also includes dual-certified A–53/API or single certified pipe that enters the United States if it is used in, or intended for use in, standard pipe or structural pipe applications. The scope does not include boiler tubes, pressure tubing, mechanical tubing, finished conduit, oil country tubular goods, and line pipe. The subject product, along with other types of pipe, is provided for in subheadings 7306.30.10 and 7306.30.50 of the Harmonized Tariff Schedule of the United States. For a more detailed description of the merchandise subject to this investigation, see Commerce's notice of preliminary determination (66 FR 67500, December 31, 2001).

to be held at 9:30 a.m. on May 14, 2002, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by §§201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of §207.23 of the Commission's rules; the deadline for filing is May 13, 2002. Parties may also file written testimony in connection with their presentation at the hearing, as provided in §207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of §207.25 of the Commission's rules. The deadline for filing posthearing briefs is May 24, 2002; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before May 24, 2002. On June 13, 2002, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before June 17, 2002, but such final comments must not contain new factual information and must otherwise comply with §207.30 of the Commission's rules. All written submissions must conform with the provisions of §201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with §§201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to §207.21 of the Commission's rules.

Issued: January 24, 2002.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 02–2141 Filed 1–28–02; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. TA–204–8]

Lamb Meat:[1] Evaluation of the Effectiveness of Import Relief

AGENCY: United States International Trade Commission.

ACTION: Institution of an investigation and scheduling of a hearing under section 204(d) of the Trade Act of 1974 (19 U.S.C. 2254(d)) (the Act).

SUMMARY: Pursuant to section 204(d) of the Act, the Commission has instituted investigation No. TA–204–8, Lamb Meat: Evaluation of the Effectiveness of Import Relief, for the purpose of evaluating the effectiveness of the relief action imposed by the President on imports of fresh, chilled, and frozen lamb meat under section 203 of the Act, which terminated on November 15, 2001.

The President imposed the relief action on July 7, 1999, in the form of a tariff-rate quota (TRQ) following receipt of an affirmative injury determination and relief recommendation from the Commission on April 5, 1999. See Proclamation 7208 of July 7, 1999 (64 FR 37389, July 9, 1999), as modified by Proclamation 7214 of July 30, 1999 (64 FR 42265, August 4, 1999). The TRQ was imposed for a period of 3 years and 1 day but was terminated on November 15, 2001. In addition to implementing the TRQ, the President directed the Secretary of Agriculture to establish adjustment assistance programs to facilitate efforts of the domestic lamb industry to make a positive adjustment to import competition. On January 13, 2000, the Secretary of Agriculture announced a 3-year $100 million assistance package for sheep and lamb farmers (Lamb Meat Adjustment Assistance Program (LMAAP)) which continues. Further, on August 31, 2001, USTR announced it would provide an additional $42.7 million to assist the domestic lamb industry to continue adjusting to import competition. Section 204(d) of the Act requires the Commission, following termination of a relief action, to evaluate the effectiveness of the action in facilitating positive adjustment by the domestic industry to import competition. The Commission is required to submit a report on the evaluation made to the President and the Congress no later than 180 days after the day on which the relief action taken under section 203(a) of the Act has terminated.

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's rules of practice and procedure, part 201, subparts A through E (19 CFR part 201), and part 206, subparts A and F (19 CFR part 206).

EFFECTIVE DATE: January 22, 2002.

FOR FURTHER INFORMATION CONTACT: Debra Baker (202–205–3180), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at *http://dockets.usitc.gov/eol/public.*

SUPPLEMENTARY INFORMATION:

Participation in the investigation and service list.—Persons wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, not later than 14 days after publication of this notice in the **Federal Register**. The Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

Public hearing.—As required by statute, the Commission has scheduled a hearing in connection with this investigation. The hearing will be held beginning at 9:30 a.m. on April 16, 2002, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before April 8, 2002. All persons desiring to appear at the hearing and

[1] Lamb meat is provided for in subheadings 0204.10.00, 0204.22.20, 0204.23.20, 0204.30.00, 0204.42.20, and 0204.43.20 of the Harmonized Tariff Schedule of the United States.

make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on April 11, 2002, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the hearing are governed by sections 201.6(b)(2) and 201.13(f) of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 days prior to the date of the hearing.

Written submissions.—Each party is encouraged to submit a prehearing brief to the Commission. The deadline for filing prehearing briefs is April 10, 2002. Parties may also file posthearing briefs. The deadline for filing posthearing briefs is April 22, 2002. In addition, any person who has not entered an appearance as a party to the investigation may submit, on or before April 22, 2002, a written statement concerning the matters to be addressed in the Commission's report to the President. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain confidential business information must also conform with the requirements of section 201.6 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with section 201.16(c) of the Commission's rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under the authority of section 204(d) of the Trade Act of 1974; this notice is published pursuant to section 206.3 of the Commission's rules.

Issued: January 23, 2002.

By order of the Commission.

Marilyn R. Abbott,

Acting Secretary.

[FR Doc. 02–2072 Filed 1–28–02; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–468]

In the Matter of Certain Microlithographic Machines and Components Thereof; Notice of Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 21, 2001, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Nikon Corporation of Tokyo, Japan, Nikon Precision Inc. of Belmont, California, and Nikon Research Corporation of America, also of Belmont, California. A letter supplementing the complaint was filed on January 10, 2002. The complaint as supplemented alleges violations of section 337 in the importation into the United States and the sale within the United States after importation of certain microlithographic machines and systems, and components thereof, by reason of infringement of claim 15 of U.S. Letters Patent 5,638,211, claims 1, 8, 12, and 17 of U.S. Letters Patent 6,233,041, claim 19 of U.S. Letters Patent 5,473,410, claims 1 and 30 of U.S. Letters Patent 6,271,640, claims 1 and 7 of U.S. Letters Patent 6,008,500, claims 1 and 16 of U.S. Letters Patent 6,255,796, and claims 1, 78, and 84 of U.S. Letters Patent 6,323,935. The complaint further alleges that an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue a permanent exclusion order and a permanent cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone 202–205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at *http://dockets.usitc.gov/eol/public.*

FOR FURTHER INFORMATION CONTACT: David H. Hollander, Jr., Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202–205–2746.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in § 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2001).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on January 22, 2001, Ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation, of certain microlithographic machines or components thereof by reason of infringement of claim 15 of U.S. Letters Patent 5,638,211, claims 1, 8, 12, or 17 of U.S. Letters Patent 6,233,041, claim 19 of U.S. Letters Patent 5,473,410, claims 1 or 30 of U.S. Letters Patent 6,271,640, claims 1 or 7 of U.S. Letters Patent 6,008,500, claims 1 or 16 of U.S. Letters Patent 6,255,796, or claims 1, 78, or 84 of U.S. Letters Patent 6,323,935, and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are—

Nikon Corporation, Fuji Building, 2–3, Marunouchi 3-chome, Chiyoda-ku Tokyo, 100–8331, Japan

Nikon Precision Inc., 1399 Shoreway Road, Belmont, CA 94002–4107

Nikon Research Corporation of America, 1399 Shoreway Road, Third Floor, Belmont, CA 94002–4107

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

ASM Lithography Holding N.V., De Run 1110, 5503 LA, Veldhoven, The Netherlands

ASM Lithography B.V. De Run 1110 5503 LA, Veldhoven The Netherlands

ASM Lithography, Inc., 8555 S. River Parkway, Tempe, AZ 85284

(c) Juan Cockburn, Esq., and David H. Hollander, Jr., Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Suite 401, Washington, DC 20436, who

shall be the Commission investigative attorneys, party to this investigation; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with § 210.13 of the Commission's rules of practice and procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such responses will be considered by the Commission if received no later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and to authorize the administrative law judge and the Commission, without further notice to that respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against that respondent.

Issued: January 23, 2002.

By order of the Commission.

Marilyn R. Abbott,

Acting Secretary.

[FR Doc. 02–2140 Filed 1–28–02; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By notice dated August 30, 2001, and published in the **Federal Register** on September 10, 2001, (66 FR 47039), Applied Science Labs, Inc., A Division of Alltech Associates, Inc., 2701 Carolean Industrial Drive, P.O. Box 440, State College, Pennsylvania 16801, made application by renewal to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Heroin (9200)	I
Cocaine (9041)	II
Codeine (9050)	II
Meperidine (9230)	II
Methadone (9250)	II
Morphine (9300)	II

The firm plans to import these controlled substances for the manufacture of references standards.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, section 823(a) and determined that the registration of Applied Science Labs, Inc. to import the listed controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Applied Science Labs, Inc. on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations, section 1301.34, the above firm is granted registration as an importer of the basic classes of controlled substances listed above.

Dated: January 16, 2002.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 02–2080 Filed 1–28–02; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By notice dated July 13, 2001, and published in the **Federal Register** on July 23, 2001, (66 FR 38321), Applied Science Labs, Division of Alltech Associates, Inc., 2701 Carolean Industrial Drive, P.O. Box 440, State College, Pennsylvania 16801, made application by letter to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of 4-Bromo-2, 5-dimethoxphenethylamine (7392), a basic class of controlled substance listed in Schedule I.

The firms plans to manufacture small quantities of the listed controlled substance for reference standards.

No comments or objections were received. DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Applied Science Labs to manufacture the listed controlled substance is consistent with the public interest at this time. DEA has investigated Applied Science Labs on a regular basis to ensure that the company's continued registration is consistent with the public interest. This investigation has included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: January 16, 2002.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 02–2081 Filed 1–28–02; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By notice dated June 19, 2001, and published in the **Federal Register** on July 3, 2001 (66 FR 35269), the National Center for Natural Products Research-NIDA MProject, University of Mississippi, 135 Coy Walker Complex, University, Mississippi 38677, made application to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the controlled substance listed below:

Drug	Schedule
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I

The firm will cultivate marihuana for the National Institute of Drug Abuse for research approved by the Department of Health and Human Services.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of National Center for Natural Products Research-NIDA MProject to manufacture the listed controlled substances is consistent with the public interest at this time. DEA has investigated National Center for Natural Products Research-NIDA MProject to ensure that the company's registration is consistent with the public interest. This investigation included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: January 16, 2002.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 02–2082 Filed 1–28–02; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By notice dated August 2, 2001, and published in the **Federal Register** on August 10, 2001 (66 FR 42240), Sigma Chemical Company, Subsidiary of Sigma-Aldrich Company, which has changed its name to Sigma-Aldrich Company, 3500 Dekalb Street, St. Louis, Missouri 63118, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Cathinone (1235)	I
Methcathinone (1237)	I
Aminorex (1585)	I
Gamma hydroxbutyric acid (2010)	I
Methaqualone (2565)	I
Ibogaine (7260)	I
Lysergic acid diethylamide (7315)	I
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
4-Bromo-2, 5-dimethoxyamphetamine (7391).	I
4-Bromo-2, 5-dimethoxyphenethylamine (7392).	I
2, 5-Dimethoxyamphetamine (7396).	I
3, 4-Methylenedioxyamphetamine (7400).	I
N-Hydroxy-3, 4-methylenedioxyamphetamine (7402).	I
3, 4-Methylenedioxy-N-ethylamphetamine (7404).	I
3, 4-Methylenedioxymethamphetamine (7405).	I
4-Methoxyamphetamine (7411)	I
Bufotenine (7433)	I
Psilocyn (7438)	I
Heroin (9200)	I
Normorphine (9313)	I
Etonitazene (9624)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Methylphenidate (1724)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Glutethimide (2550)	II
Phencyclidine (7471)	II
Cocaine (9041)	II
Codeine (9050)	II
Diprenorphine (9058)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Benzoylecgonine (9180)	II
Ethylmorphine (9190)	II
Hydrocodone (9193)	II
Levorphanol (9220)	II
Meperidine (9230)	II
Methadone (9250)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273).	II
Morphine (9300)	II
Thebaine (9333)	II
Opium powdered (9639)	II
Oxymorphone (9653)	II
Fentanyl (9801)	II

The firm plans to repackage and offer as pure standards controlled substances in small milligram quantities for drug testing and analysis.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, section 823(a) and determined that the registration of Sigma-Aldrich Company is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Sigma-Aldrich Company on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations, section 1311.42, the above firm is granted registration as an importer of the basic classes of controlled substances listed above.

Dated: January 16, 2002.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 02–2079 Filed 1–28–02; 8:45 am]

BILLING CODE 4410–09–M

MISSISSIPPI RIVER COMMISSION

Sunshine Act Meetings

Agency Holding the Meetings: Mississippi River Commission.

Time and Date: 8:30 a.m., March 4, 2002.

Place: On board MISSISSIPPI V at City Front, Cairo, IL.

Status: Open to the public.

Matters to be Considered: (1) State of the Valley Report by President of the Commission on general conditions of the Mississippi River and Tributaries project and regional and national issues affecting the Corps of Engineers programs and projects; (2) District Commander's report on the Mississippi River and Tributaries project within Memphis District area; and (3) Presentations by public participants on Corps of Engineers issues.

Time and Date: 9 a.m., March 5, 2002.

Place: On board MISSISSIPPI V at Mud Island River Park Landing, Memphis, TN.

Status: Open to the public.

Matters to be Considered: (1) State of the Valley Report by President of the Commission on general conditions of the Mississippi River and Tributaries project and regional and national issues affecting the Corps of Engineers programs and projects; (2) District Commander's report on the Mississippi River and Tributaries project within Memphis District area; and (3) Presentations by public participants on Corps of Engineers issues.

Time and Date: 3:00 p.m., March 6, 2002.

Place: On board MISSISSIPPI V at City Front, Vicksburg, MS.

Status: Open to the public.

Matters to be Considered: (1) State of the Valley Report by President of the Commission on general conditions of the Mississippi River and Tributaries

project and regional and national issues affecting the Corps of Engineers programs and projects; (2) District Commander's report on the Mississippi River and Tributaries project within Vicksburg District area; and (3) Presentations by public participants on Corps of Engineers issues.

Time and Date: 1:30 p.m., March 7, 2002.

Place: On board MISSISSIPPI V at City Dock above USS Kidd, Baton Rouge, LA.

Status: Open to the public.

Matters to be Considered: (1) State of the Valley Report by President of the Commission on general conditions of the Mississippi River and Tributaries project and regional and national issues affecting the Corps of Engineers programs and projects; (2) District Commander's report on the Mississippi River and Tributaries project within New Orleans District area; and (3) Presentations by public participants on Corps of Engineers issues.

CONTACT PERSON FOR MORE INFORMATION: Mr. Stephen Gambrell, telephone 601–634–5766.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02–2218 Filed 1–25–02; 11:53 am]

BILLING CODE 3710–GX–M

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting

Time and Place: 9:30 a.m., Tuesday, February 5, 2002.

Place: NTSB Conference Center, 429 L'Enfant Plaza SW., Washington, DC 20594.

Status:

The one item is open to the public.

Matter To Be Considered:

7168A: Railroad Accident Report—Collision of Amtrak Train 59 with a Loaded Truck Tractor-Semitrailer Combination at a Highway/Rail Grade Crossing in Bourbonnais, Illinois, March 15, 1999

News Media Contact: Telephone: (202) 314–6100.

Individuals requesting specific accommodations should contact Ms. Carolyn Dargan at (202) 314–6305 by Friday, February 1, 2002.

FOR MORE INFORMATION CONTACT: Vicky D'Onofrio, (202) 314–6410.

Dated: January 25, 2002.

Vicky D'Onofrio,

Federal Register Liaison Officer.

[FR Doc. 02–2243 Filed 1–25–02; 2:02 pm.]

BILLING CODE 7533–01–M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information Pertaining to the Requirement To Be Submitted:

1. *The title of the information collection*: 10 CFR part 81, Standard Specifications for Granting of Patent Licenses.
2. *Current OMB approval number*: 3150–0121.
3. *How often the collection is required*: Applications for license are submitted once. Other reports are submitted annually or as other events require.
4. *Who is required or asked to report*: Applicants for and holder of NRC licenses to NRC inventions.
5. *The number of annual respondents*: 0.
6. *The number of hours needed annually to complete the requirement or request*: 37 hours; however, no applications are anticipated during the next three years.
7. *Abstract*: 10 CFR part 81 establishes the standard specifications for the issuance of licenses to rights in inventions covered by patents or patent applications invested in the United States, as represented by or in the custody of the Commission and other patents in which the Commission has legal rights.

Submit, by April 1, 2002, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the burden estimate accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F23, Rockville, MD 20852. OMB clearance requests are available at the NRC World Wide Web site: *http://www.nrc.gov/NRC/PUBLIC/OMB/index.html*. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T–6 E6, Washington, DC 20555–0001, by telephone at 301–415–7233, or by Internet electronic mail at *INFOCOLLECTS@NRC.GOV*.

Dated at Rockville, Maryland, this 24th day of January 2002.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 02–2078 Filed 1–28–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–335 and 50–389]

Florida Power and Light Company St. Lucie Nuclear Plant, Units 1 and 2; Notice of Acceptance for Docketing of the Application and Notice of Opportunity for a Hearing Regarding Renewal of Facility Operating License Nos. DPR–67 and NPF–16 for an Additional 20-Year Period

The U.S. Nuclear Regulatory Commission (NRC or Commission) is considering an application for the renewal of Operating License Nos. DPR–67 and NPF–16, which authorize Florida Power and Light Company to operate St. Lucie Nuclear Plant, Units 1 and 2, at 2700 megawatts thermal. The renewed license would authorize the applicant to operate St. Lucie Unit 1 for an additional 20 years beyond the period specified in the current license. For St. Lucie Unit 2, the renewed license would authorize the applicant to operate for an additional 20 years beyond the period specified in the current license or forty years from the date of issuance of the new license, whichever occurs first. The current

operating licenses for St. Lucie Nuclear Plant, Units 1 and 2, expire on March 1, 2016, and April 6, 2023, respectively.

Florida Power and Light Company submitted an application to renew the operating licenses for St. Lucie Nuclear Plant, Units 1 and 2, on November 29, 2001. A Notice of Receipt of Application, ''Florida Power and Light Company, St. Lucie Nuclear Plant, Units 1 and 2; Notice of Receipt of Application for Renewal of Facility Operating License Nos. DPR–67 and NPF–16 for an Additional 20-Year Period,'' was published in the **Federal Register** on December 27, 2001 (66 FR 66946).

The NRC staff has determined that Florida Power and Light Company has submitted information in accordance with 10 CFR 54.19, 54.21, 54.22, 54.23, and 51.53(c) that is complete and acceptable for docketing. The current Docket Nos. 50–335 and 50–389 for Operating License Nos. DPR–67 and NPF–16, respectively, will be retained. The docketing of the renewal application does not preclude requesting additional information as the review proceeds, nor does it predict whether the Commission will grant or deny the application.

Before issuance of each requested renewed license, the NRC will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the NRC's rules and regulations. In accordance with 10 CFR 54.29, the NRC will issue a renewed license on the basis of its review if it finds that actions have been identified and have been or will be taken with respect to (1) managing the effects of aging during the period of extended operation on the functionality of structures and components that have been identified as requiring aging management review, and (2) time-limited aging analyses that have been identified as requiring review, such that there is reasonable assurance that the activities authorized by the renewed license will continue to be conducted in accordance with the current licensing basis (CLB) and that any changes made to the plant's CLB comply with the Act and the Commission's regulations.

Additionally, in accordance with 10 CFR 51.95(c), the NRC will prepare an environmental impact statement that is a supplement to the Commission's NUREG–1437, ''Generic Environmental Impact Statement for License Renewal of Nuclear Power Plants'' (May 1996). Pursuant to 10 CFR 51.26, and as part of the environmental scoping process, the staff intends to hold a public scoping meeting. Detailed information regarding this meeting will be included in a future **Federal Register** notice. The Commission also intends to hold public meetings to discuss the license renewal process and the schedule for conducting the review. The Commission will provide prior notice of these meetings. As discussed further herein, in the event that a hearing is held, issues that may be litigated will be confined to those pertinent to the foregoing.

By February 28, 2002, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene with respect to the renewal of the licenses in accordance with the provisions of 10 CFR 2.714. Interested persons should consult a current copy of 10 CFR 2.714, which is available at the Commission's Public Document Room, 11555 Rockville Pike (first floor) Rockville, Maryland, and on the NRC Web site at *http://www.nrc.gov* (the Electronic Reading Room). If a request for a hearing or a petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request(s) and/or petition(s), and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order. In the event that no request for a hearing or petition for leave to intervene is filed by the above date, the NRC may, upon completion of its evaluations and upon making the findings required under 10 CFR parts 54 and 51, renew the licenses without further notice.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding, taking into consideration the limited scope of matters that may be considered pursuant to 10 CFR parts 54 and 51. The petition must specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order that may be entered in the proceeding on the petitioner's interest. The petition must also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the board up to 15 days before the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days before the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene that must include a list of the contentions that the petitioner seeks to have litigated in the hearing. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of each contention and a concise statement of the alleged facts or the expert opinion that supports the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the action under consideration. The contention must be one that, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement that satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

Requests for a hearing and petitions for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, 11555 Rockville Pike (first floor), Rockville, Maryland, 20852–2738, by the above date. A copy of the request for a hearing and the petition to intervene should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Mr. J. A. Stall, Senior Vice

President, Nuclear and Chief Nuclear Officer, Florida Power and Light Company, 700 Universe Boulevard, Post Office Box 029100, Juno Beach, FL 33408–0420.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions, and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

Detailed information about the license renewal process can be found under the nuclear reactors' icon of the NRC's Web page at *http://www.nrc.gov.*

A copy of the application is available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or on the NRC Web site from the NRC's Agencywide Documents Access and Management System (ADAMS). The ADAMS Public Electronic Reading Room is accessible from the NRC Web site at *http://www.nrc.gov/reading-rm/adams.html.* The staff has verified that a copy of the license renewal application for the St. Lucie Nuclear Plant has been provided to the Indian River Community College library located at Fort Pierce, Florida.

Dated at Rockville, Maryland, the 24th day of January 2002.

For the Nuclear Regulatory Commission.

Christopher I. Grimes,

Program Director, License Renewal and Environmental Impacts, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.

[FR Doc. 02–2142 Filed 1–28–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Meeting of the Subcommittee on Reactor Fuels; Notice of Meeting

The ACRS Subcommittee on Reactor Fuels will hold a meeting on February 12, 2002, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Tuesday, February 12, 2002—8:30 a.m. until the conclusion of business

The Subcommittee will discuss the staff's safety evaluation of a construction authorization application submitted by the Duke Cogema Stone & Webster for a Mixed Oxide (MOX) Fuel Fabrication Facility. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the Designated Federal Official named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting the Designated Federal Official, Ms. Maggalean W. Weston (telephone 301/415–3151) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes in the proposed agenda, etc., that may have occurred.

Dated: January 22, 2002.

Sher Bahadur,

Associate Director for Technical Support.

[FR Doc. 02–2076 Filed 1–28–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Sageguards Joint Meeting of the ACRS Subcommittees on Thermal-Hydraulic Phenomena and on Future Plant Designs; Notice of Meeting

The ACRS Subcommittees on Thermal-Hydraulic Phenomena and on Future Plant Designs will hold a joint meeting on February 13–15, 2002, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

Portions of the meeting may be closed to public attendance to discuss Westinghouse Electric Company and General Electric Nuclear Energy proprietary information per 5 U.S.C. 552b(c)(4).

The agenda for the subject meeting shall be as follows:

Wednesday, February 13, 2002—8:30 a.m. until the conclusion of business and Thursday, February 14, 2002—8:30 a.m. until 12 Noon

The Subcommittees will begin review of the license amendment request of Entergy Operations, Inc. for a core power uprate for the Arkansas Nuclear One, Unit 2 plant. Also, they will begin review the license amendment request of the Exelon Generation Company for a core power uprate for the Clinton Power Station, Unit 1.

Thursday, February 14, 2002—1 p.m. until the conclusion of business and Friday, February 15, 2002—8:30 a.m. until the conclusion of business

The Subcommittees will continue their review of the Phase 2 pre-application review of the Westinghouse Electric Company's AP1000 passive plant design.

The purpose of this meeting is to gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman. Written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittees, their consultants, and staff. Persons desiring to make oral statements should notify the Designated Federal Official named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittees, along with

any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittees will then hear presentations by and hold discussions with representatives of the NRC staff, Entergy Operations, Inc., Exelon Generation Company, the Westinghouse Electric Company, GE Nuclear Energy, and other interested persons regarding this review.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been canceled or rescheduled, and the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor, can be obtained by contacting the Designated Federal Official, Mr. Paul A. Boehnert (telephone 301–415–8065) between 7:30 a.m. and 5 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes to the agenda, etc., that may have occurred.

Dated: January 22, 2002.

Sher Bahadur,

Associate Director for Technical Support.

[FR Doc. 02–2077 Filed 1–28–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act; Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of January 28, February 4, 11, 18, 25, March 4, 2002.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of January 28, 2002

Tuesday, January 29, 2002

9:30 a.m.
Briefing on Status of Nuclear Reactor Safety (Public Meeting) (Contact: Mike Case, 301–415–1134)
This meeting will be webcast live at the Web address—*www.nrc.gov*

Wednesday, January 30, 2002

9:25 a.m.
Affirmation Session (Public Meeting) (If needed)
9:30 a.m.
Briefing on Status of Office of the Chief Information Officer (OCIO) Programs, Performance, and Plans (Public Meeting) (Contact: Jackie Siber, 301–415–7330)
This meeting will be webcast live at the Web address—*www.nrc.gov*
2:00 p.m.
Discussion of Intragovernmental Issues (Closed—Ext. 1 & 9)

Week of February 4, 2002—Tentative

Wednesday, February 6, 2002

9:25 a.m.
Affirmation Session (Public Meeting) (If needed)
9:30 a.m.
Briefing on Equal Employment Opportunity (EEO) Program (Public Meeting) (Contact: Irene Little, 301–415–7380)

Week of February 11, 2002—Tentative

There are no meetings scheduled for the Week of February 11, 2002.

Week of February 18, 2002—Tentative

Tuesday, February 19, 2002

1:55 p.m.
Affirmation Session (Public Meeting) (If needed)
2:00 p.m.
Meeting with the Advisory Committee on the Medical Uses of Isotopes (ACMUI) (Public Meeting) (Contact: Angela Williamson, 301–415–5030)
This meeting will be webcast live at the Web address—*www.nrc.gov*

Week of February 25, 2002—Tentative

Friday, March 1, 2002

9:30 a.m.
Briefing on Status of Office of the Chief Financial Officer (OCFO) Programs, Performance, and Plans (Public Meeting) (Contact: Lars Solander, 301–415–6080)
This meeting will be webcast live at the Web address—*www.nrc.gov*

Week of March 4, 2002—Tentative

Monday, March 4, 2002

2:00 p.m.
Briefing on Status of Nuclear Waste Safety (Public Meeting) (Contact: Claudia Seelig, 301–415–7243)
This meeting will be webcast live at the Web address—*www.nrc.gov*

*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: David Louis Gamberoni (301) 415–1651.

The NRC Commission Meeting Schedule can be found on the Internet at: *www.nrc.gov*

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC. 20555 (301–415–1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to dkw@nrc.gov.

Dated: January 24, 2002.

David Louis Gamberoni,

Technical Coordinator, Office of the Secretary.

[FR Doc. 02–2203 Filed 1–25–02; 10:54 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549

Extension:
Rule 15c2–11, SEC File No. 270–196, OMB Control No. 3235–0202

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

The Commission adopted Rule 15c2–11 [1] (Rule 15c2–11 or Rule) in 1971 under the Securities Exchange Act of 1934 [2] (Exchange Act) to regulate the initiation or resumption of quotations in a quotation medium by a broker-dealer for over-the-counter (OTC) securities. The Rule was designed primarily to prevent certain manipulative and fraudulent trading schemes that had arisen in connection with the distribution and trading of unregistered securities issued by shell companies or other companies having outstanding but infrequently traded securities. Subject to certain exceptions, the Rule prohibits brokers-dealers from publishing a quotation for a security, or submitting a quotation for publication, in a quotation medium unless they have reviewed specified information concerning the security and the issuer.

[1] 17 CFR 240.15c2–11.

[2] 15 U.S.C. 78a *et seq.*

In February 1998, the Commission proposed amendments to strengthen the Rule's focus on abuses associated with microcap securities.[3] In response to comments on the proposal, the Commission reproposed amendments to Rule 15c2–11 to tailor its provisions to cover those kinds of quotations and securities that we believe are more likely to be the subject of microcap abuses.[4]

Under these reproposed amendments, the Rule will no longer apply to securities of larger issuers or those securities that have a substantial trading price or value of average daily trading volume. In addition, the Rule will only cover priced quotations, except in the case of the first quotation for a covered OTC security. The Commission has also proposed several revisions that require broker-dealers to obtain more information about non-reporting issuers, ease the Rule's recordkeeping requirements when broker-dealers can electronically access information about reporting issuers, and promote greater access to issuer information by customers and other broker-dealers. Because these proposed refinements will significantly revise the Rule's scope, we are publishing them to give interested persons an opportunity to provide us with their comments and views.

The information required to be reviewed is submitted by the respondents to the National Association of Securities Dealers Regulation (''NASDR'') on Form 211 for review and approval.

Based on information provided by the NASDR and the Pink Sheets LLC, it is estimated that as of January 4, 2002, there were approximately 1,876 covered OTC securities quoted exclusively in the OTC Bulletin Board, 3,942 quoted exclusively in the Pink Sheets, and 1,889 dually quoted on both for a total of 7,707 covered OTC securities.[5] However, we believe that approximately 10% (771) of these securities would not be subject to the Rule, based on the exceptions that are included in this reproposing Release and therefore approximately 6,936 securities would be subject to the Rule.[6]

According to NASDR estimates, we also believe that approximately 1,271 new applications from broker-dealers to initiate or resume publication of covered OTC securities in the OTC Bulletin Board and/or the Pink Sheets or other quotation mediums were approved by the NASDR for the 2001 calendar year. We estimate that 75% of the covered OTC securities were issued by reporting issuers, while the other 25% were issued by non-reporting issuers. We also estimate that broker-dealers publish priced quotations for approximately 90% of the covered OTC securities quoted in the OTC Bulletin Board and publish priced quotes for about 43% of the covered OTC securities quoted in the Pink Sheets. According to NASDR and Pink Sheets estimates, we believe that, on average, there are approximately 4.3 broker-dealers publishing priced quotations for each covered OTC security, and that at any given time there are approximately 400 broker-dealers that submit priced quotations for covered OTC securities. Finally, the Reproposed Rule's transition provision would not subject the broker-dealers quoting the securities of the estimated 6,936 potentially covered securities currently quoted to the Rule until the annual review requirement is triggered. Therefore, only those new applications that are submitted after the reproposals become effective would be subject to the initial review requirement.

Because the reproposed amendments would require the first broker-dealer publishing a quotation (priced or unpriced) for a particular security to collect issuer information, we believe that during the first year after the reproposed amendments are effective, broker-dealers that are publishing the first quotations (whether priced or unpriced) for covered OTC securities in the aggregate would have to conduct approximately 1,143 initial reviews of issuer information. This estimate is based on the assumption that the NASDR will, in the first year after the reproposals become effective, approve approximately 10% fewer Form 211 filings than the 1,271 approved in 2001. We believe that it will take a broker-dealer about 4 hours to collect, review, record, retain, and supply to the NASDR the information pertaining to a reporting issuer, and about 8 hours to collect, review, record, retain, and supply to the NASDR the information pertaining to a non-reporting issuer.

We therefore estimate that broker-dealers who are the first to publish the first quote for a covered OTC security of a reporting issuer will require 3,813 hours ($1,271 \times 75\% \times 4$) to collect, review, record, retain, and supply to the NASDR the information required by the Rule as reproposed. We estimate that after the reproposals have become effective the broker-dealers who are the first to publish the first quote for a covered OTC security of a non-reporting issuer (priced or unpriced) will require 2,542 hours ($1,271 \times 25\% \times 8$) to collect, review, record, retain, and supply to the NASDR the information required by the Rule. We therefore estimate the total annual burden hours for the first broker-dealers to be 6,355 hours (3,813 + 2,542).

The Rule also would require an annual review for broker-dealers publishing priced quotations for covered OTC securities. We have estimated that each issuer is quoted by about 4.3 broker-dealers. We are assuming that of approximately 6,936 potentially affected covered OTC securities, broker-dealers would publish priced quotations for approximately 90% of the OTC Bulletin Board securities or 3,049 securities ($(3,765 \times 90\%) \times 90\%$) and for 43% of the Pink Sheet securities or 1525 securities ($(3,942 \times 90\%) \times 43\%$).[7] Therefore, we estimate that priced quotations will be published for approximately 4,574 (3,049 + 1,525) covered OTC securities. Given that about 75% of OTC stocks are issued by reporting issuers and the other 25% by non-reporting issuers, and that it would take a broker-dealer 4 and 8 hours, respectively, to meet the requirements of the reproposed Rule for these issuers, we estimate the burden hours as follows: for reporting issuers we estimate approximately 58,996 hours ($3,430 \times 4.3 \times 4$), and for non-reporting issuers we estimate approximately 39,319 hours ($1,143 \times 4.3 \times 8$). Therefore, we estimate the total annual paperwork burden hours for all broker-dealers to be 104,670 hours (6,355 + 58,996 + 39,319).

Regarding the burden on issuers to provide broker-dealers with the required information, we believe that the 2,202 issuers of covered OTC securities (based on our estimate that 75% of the 6,936 potentially covered OTC securities are reporting issuers) will not bear any additional hourly burdens under the reproposed amendments because these issuers already report the required information to the Commission through mandated periodic filings. Further, reporting issuer information is widely available to broker-dealers through a variety of media. However, non-

[3] Securities Exchange Act Release No. 39670 (February 17, 1998) (Proposing Release).

[4] Securities Exchange Act Release No. 41110 (March 2, 1999) (Re-proposing Release).

[5] Although there may be covered OTC securities quoted in other quotation mediums, the empirical data to include them in these estimations is not readily available.

[6] Because the reproposal excludes debt securities, there is no need to include the debt securities quoted in the Yellow Sheets in these burden estimates.

[7] Some securities have priced quotations published in both of these quotation systems. To avoid double counting, such securities are counted as OTC Bulletin Board securities.

reporting issuer information is not widely available. Consequently, these issuers must provide the information required by the reproposed amendments to requesting broker-dealers before quotations in their securities can be published. We believe that the 1,734 issuers of non-reporting covered OTC securities (based on an estimate that 25% of the 6,936 potentially covered OTC securities are non-reporting) will spend an average of 9 hours each to collect, prepare, and supply the information required by the proposal to the first broker-dealer that requests this information. Thereafter, we estimate that it will take an average of 1 hour for an issuer to provide the same information to the remaining 3.3 broker-dealers that request the information. Accordingly, we estimate that 1,734 non-reporting issuers annually will incur 15,606 hours ($1,734 \times 9 \times 1$) to comply with the first broker-dealer's request for information, and 5,722 hours ($1,734 \times 1 \times 3.3$) to comply with the subsequent 3.3 broker-dealer requests for an annual total of 21,328 burden hours (15,606 + 5,722). On average, therefore, each non-reporting issuer would spend approximately 12.3 burden hours (21,328/1,734) per year to comply with these requests.

We estimate the collection of information will require approximately 125,998 burden hours annually (104,670 + 21,328) from approximately 2,134 respondents (400 broker-dealers and 1,734 issuers).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

Dated: January 18, 2002.

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 02–2118 Filed 1–28–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–25373; File No. 812–12698]

American Skandia Life Assurance Corporation, *et al.*

January 22, 2002.

AGENCY: Securities and Exchange Commission (''SEC'' or ''Commission'').

ACTION: Notice of Application for an Order under section 6(c) of the Investment Company Act of 1940 (the ''1940 Act'' or ''Act'') granting exemptions from the provisions of section 2(a)(32) and section 27(i)(2)(A) of the 1940 Act, and Rule 22c–1 thereunder to permit the recapture of credits applied to contributions made under certain deferred variable annuity contracts.

APPLICANTS: American Skandia Life Assurance Corporation (''ASLAC''), American Skandia Life Assurance Corporation Variable Account B (Class 1 Sub-Accounts), American Skandia Life Assurance Corporation Variable Account B (Class 9 Sub-Accounts) (the ''Account'' or ''Accounts''), and American Skandia Marketing, Incorporated (''ASM''), referred to collectively herein as ''Applicants.''

SUMMARY OF APPLICATION: Applicants seek an order under section 6(c) of the Act to the extent necessary to permit, under specified circumstances, the recapture of credits applied to contributions made under certain deferred variable annuity contracts and certificates described in the Application (the ''Contracts''), as well as other contracts that ASLAC may issue in the future through the Accounts or any other separate account established in the future by ASLAC to support certain deferred variable annuity contracts issued by ASLAC (''Future Account(s)'') and that are substantially similar in all material respects to the Contracts (the ''Future Contract(s)''). Applicants request that the order being sought extend to any other National Association of Securities Dealers, Inc. (''NASD'') member broker-dealer controlling or controlled by, or under common control with ASLAC, whether existing or created in the future, that serves as a distributor or principal underwriter for the Contracts or Future Contracts offered through the Accounts or any Future Account.

FILING DATES: The application was filed on November 23, 2001, and amended and restated on January 9, 2002, and January 17, 2002.

HEARING OR NOTIFICATION OF HEARING: An order granting the Application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on February 19, 2002, and should be accompanied by proof of service on Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street NW Washington, DC, 20549–0609. Applicants, c/o American Skandia Life Assurance Corporation, One Corporate Drive, Shelton, Connecticut 06484, Attn: Scott K. Richardson, Esq.

FOR FURTHER INFORMATION CONTACT: Patrick Scott, Attorney, or Lorna MacLeod, Branch Chief, Office of Insurance Products, Division of Investment Management, at (202) 942–0670.

SUPPLEMENTARY INFORMATION: The following is a summary of the Application. The complete Application is available for a fee from the SEC's Public Reference Branch, 450 Fifth Street, NW, Washington, DC 20549–0102 ((202) 942–8090).

Applicants' Representations

1. ASLAC is a stock life insurance company incorporated under the laws of Connecticut, all of whose issued and outstanding shares of capital stock are directly owned by American Skandia, Inc. (''ASI''), which in turn is ultimately wholly owned by Skandia Insurance Company Ltd., a Swedish corporation. ASLAC is licensed to do business in the District of Columbia and all of the United States.

2. American Skandia Life Assurance Corporation Variable Account B was created pursuant to the laws of the State of Connecticut on November 25, 1987. American Skandia Life Assurance Corporation Variable Account B (Class 1 Sub-Accounts) filed a Form N–8A Notification of Registration (File No. 811–5438) under the 1940 Act on December 30, 1987. American Skandia Life Assurance Corporation Variable

Account B (Class 9 Sub-Accounts) filed a Form N–8A Notification of Registration (File No. 811–09989) on June 22, 2000. Applicants state that the assets of the Accounts are owned by ASLAC, but are held separately from the other assets of ASLAC and are not chargeable with liabilities incurred in any other business operation of ASLAC (except to the extent that assets in the Accounts exceed the reserves and other liabilities of the Accounts). The income, capital gains and capital losses incurred on the assets of the Accounts are credited to or charged against the assets of the Accounts without regard to the income, capital gains or capital losses arising out of any other business ASLAC may conduct.

Applicants represent that the Accounts and all Future Accounts will invest in shares of one or more of the investment portfolios (the ''Portfolios'') of American Skandia Trust (''AST''), which is registered with the Commission as an open-end, diversified management investment company, and/or any other fund or funds which are registered with the Commission as open-end, diversified or non-diversified management investment companies as may be made available by ASLAC and the Accounts or Future Accounts (which funds, including AST, are referred to as the ''Funds''). The Accounts or Future Accounts are divided into separate divisions or ''Sub-accounts,'' each of which invests in a separate Portfolio of a Fund.

3. ASM serves as the distributor and principal underwriter of the Contracts. ASM is a wholly-owned subsidiary of ASI. ASM is registered under the Securities Exchange Act of 1934 and with the NASD as a broker-dealer in securities. The Contracts will be offered through unaffiliated, registered broker-dealers, and other entities that are exempt from registration as broker-dealers and that have entered into sales agreements with ASM and ASLAC. In addition, ASM may offer Contracts directly to potential purchasers. The broker-dealers or sales representatives will be licensed by state insurance departments where required by law or regulation to represent ASLAC. The registered representatives that will solicit sale of the Contracts will be licensed insurance agents appointed by ASLAC.

4. Applicant represents that, among the products ASLAC issues are individual and group flexible premium tax deferred variable annuity contracts, such as the Contracts contemplated in the Application, American Skandia XTra Credit℠ FOUR (''XT FOUR'') offered through American Skandia Life Assurance Corporation Variable Account B (Class 1 Sub-Accounts) and American Skandia XTra Credit℠ SIX (''XT SIX'') offered through American Skandia Life Assurance Corporation Variable Account B (Class 9 Sub-Accounts).

Applicants state further that the Contracts are to be used in connection with retirement plans that qualify for favorable federal income tax treatment under the Internal Revenue Code Section 403 as a tax sheltered annuity, or Section 408 as an individual retirement plan (''Qualified Plan''), or the Contracts may be purchased on a non-tax qualified basis (''Non-Qualified Plan''). The Contracts may also be used for other purposes in the future, or offered only in connection with Qualified or Non-Qualified Plans.

5. Applicants state that ASLAC will add an additional amount, a credit (''Credit(s)''), to the account value in conjunction with each purchase payment applied to XT FOUR, and in conjunction with purchase payments made during the first six (6) annuity years applied to XT SIX. Credits are paid for from ASLAC's own general account assets.

6. Applicants state, in the case of XT FOUR, when total purchase payments are between and $1000 and $10,000, the Credits equal 1.5% of purchase payments. When total purchase payments are at least $10,000 but less than $5,000,000, the Credits equal 4.0% of purchase payments. When total purchase payments are greater than $5,000,000, the Credits equal 5.0% of purchase payments.

7. Applicants state, in the case of XT SIX, ASLAC will add a Credit to the account value in conjunction with each purchase payment during the first six (6) annuity years. The amount of the Credit depends on the annuity year in which the purchase payment(s) is made, according to the following schedule: in annuity year one (1) the Credit is 6.00%, in annuity year two (2) the Credit is 5.00%, in annuity year three (3) the Credit is 4.00%, in annuity year four (4) the Credit is 3.00%, in annuity year five (5) the Credit is 2.00%, and in annuity year six (6) the Credit is 1.00%.

8. Applicants state that, where allowed by state law, under some circumstances, ASLAC will apply additional Credits on Contracts owned by a member of a designated class (''Designated Class'') as defined in the Application. Generally, members of the Designated Class include various persons with special employment, familial, and/or agency relationships with ASLAC and/or its affiliates or subsidiaries, as defined in the Application.

In the case of XT FOUR, ASLAC will apply Credits of 8.5% to any purchase payment made by a member of a Designated Class. Likewise, in the case of XT SIX, ASLAC will apply Credits on purchase payments made by a member of a Designated Class at the following percentage rates in annuity years 1, 2, 3, 4, 5, and 6, respectively: 9.5%, 9%, 8.5%, 8%, 7%, and 6%. During annuity years 7, 8, 9 and 10, respectively, in the case of XT SIX, ASLAC will apply Credits on purchase payment made by a member of a Designated Class at the following percentage rates: 5%, 4%, 3% and 2%. Whereas, under XT SIX generally, subsequent to annuity year Six, ASLAC would not apply Credits to any purchase payments.

9. Applicants represent that Credits applied on all Contracts are vested when applied, except under the following circumstances: (a) An amount equal to any Credit will be recovered by ASLAC if the Contract owner exercises the right to cancel provision in accordance with applicable state law; (b) the amount available under the medically-related surrender provision of the Contract will not include the amount of any Credits applied to purchase payments made within 12 months prior to the date the annuitant first became eligible for the medically-related surrender; and (c) any Credits applied to the account value on purchase payments made within 12 months prior to the date of death will be recovered by ASLAC upon payment of the death benefit, subject to the limitation that Applicants will not exercise their right to recover the Credit to the extent that the death benefit payable is equal to purchase payments minus proportional withdrawals or when the death benefit is equal to the account value but after the recovery of all or a portion of the Credits, the death benefit would be equal to less than purchase payments minus proportional withdrawals.

10. Applicants state that, as of the date of the Application, the Funds in which the Sub-accounts may invest are AST, Montgomery Variable Series, Wells Fargo Variable Trust, INVESCO Variable Investment Funds, Inc., Evergreen Variable Annuity Trust, ProFunds VP, First Defined Portfolio Fund LLC and The Prudential Series Fund, Inc. The assets of each Portfolio are held separately from the others and each Portfolio has its own investment objective and policies. The investment performance of one Portfolio has no affect on the investment performance of any other Portfolio. The investment

objectives and policies of each Portfolio are described in the registration statements for the Funds. Each Fund may establish additional Portfolios, or cease offering any Portfolios, existing or as may be established in the future. In addition, the Account may add Sub-accounts, and may add or cease to offer Sub-accounts, which in turn are dedicated to owning shares of a particular Portfolio of a particular Fund.

11. Applicants state that prior to the annuity date, a Contract owner may surrender the Contract in its entirety for the surrender value or withdraw a portion of the surrender value. Applicants do not seek to recover Credits applied to purchase payments upon surrender or withdrawal of a Contract, other than as described in this paragraph, in the case of a medically-related surrender. Where permitted by law, a Contract owner may request to surrender a Contract prior to the annuity date without application of any contingent deferred sales charge (''CDSC'') upon occurrence of a ''Contingency Event,'' as defined in XT FOUR or XT SIX. If a Contingency Event occurs, the amount available for surrender is the account value less an amount equal to any Credit applied to purchase payments within twelve months prior to the Contingency Event less the amount of any Credits added in conjunction with any purchase payments received after ASLAC's receipt of the Contract owner's request for a medically-related surrender. Applicants do not assess a CDSC on a medically-related surrender that would otherwise apply to a full or partial surrender of the Contract.

12. Applicants represent that during the accumulation phase, a death benefit is payable upon the death of the first Contract owner to die (if the Contract is owned by one or more natural persons) or upon the death of the annuitant (if the Contract is owned by an entity and there is no contingent annuitant). The amount of the death benefit is determined when ASLAC obtains satisfactory proof in writing of the applicable death, all representations required or which are mandated by applicable law or regulation to the death claim and the payment of death proceeds, and any applicable election of the mode of payment of the death benefit if not previously elected by the Contract owner.

The basic Death Benefit is the greater of (1) the sum of all purchase payments less the sum of all proportional withdrawals, or (2) the sum of the account value in the variable investment options and the interim value in the fixed allocations (without application of any market value adjustment), less an amount equal to all Credits applied within 12 months prior to the date of death. ASLAC does not recover the amount equal to the Credit applied to purchase payments when the death benefit payable under the Contract is equal to purchase payments minus proportional withdrawals or when the death benefit is equal to the account value but after the recovery of all or a portion of the Credits, the death benefit would be equal to less than purchase payments minus withdrawals.

13. Applicants state that each of the Contracts may offer optional benefits, including optional death benefits, for which the Contract owner may be charged an additional asset-based charge.

14. Applicants represent that prior to the annuity date and upon surrender, ASLAC will deduct an annual maintenance fee equaling the smaller of 2% of account value or $35 per annuity year from the Sub-account holdings attributable to any particular Contract in the same proportion as each such Sub-account holding bears to the account value of such Contract. No charges are assessed if no account value is maintained in the Sub-accounts. The annual maintenance fee can be increased only for Contracts issued subsequent to the effective date of any such change. The annual maintenance fee may be waived under certain circumstances as described in the then effective registration statements for the Contracts.

15. An insurance charge (''Insurance Charge'') is deducted daily against the average assets allocated to the Account. The Insurance Charge for XT FOUR is the combination of the Mortality & Expense Risk Charge (1.25%) and the Administration Charge (0.15%); the total charge is equal to 1.40% on an annual basis. The Insurance Charge for the XT SIX is the combination of the Mortality & Expense Risk Charge (0.50%) and the Administration Charge (0.15%); the total charge is equal to 0.65% on an annual basis. The Insurance Charge is intended to compensate ASLAC for providing the insurance benefits under the Contract, including the Contract's basic death benefit that provides guaranteed benefits to the Contract owner's beneficiaries even if the market declines; furthermore, the charge is intended to compensate ASLAC for the risk that persons to whom ASLAC guarantees annuity payments will live longer than ASLAC's assumptions. The charge also covers administrative costs associated with providing the Contract benefits, including preparation of the contract, confirmation statements, annual account statements and annual reports, legal and accounting fees as well as various related expenses. Finally, the charge covers the risk that ASLAC's assumptions about the mortality risks and expenses under the Contract are incorrect and that ASLAC has agreed not to increase these charges over time despite actual costs. ASLAC may increase the portion of the total Insurance Charge that is deducted as an Administration Charge, if permission is received from the appropriate regulatory authorities. However, any increase will only apply to Contracts issued after the date of the increase.

16. Applicants state that a distribution charge (''Distribution Charge'') is deducted daily against the average assets allocated to the Sub-accounts under XT SIX. The Distribution Charge is equal to 1.00% on an annual basis in annuity years 1 through 10. After the end of the first ten annuity years, the 1.00% charge for distribution will no longer be assessed. The Distribution Charge is intended to compensate ASLAC for a portion of its sales expenses under the Contract, including promotion and distribution of the Contract. At the end of the 10th annuity year, ASLAC will process a transaction to convert the Contract owner's account value to units of the Sub-accounts that reflect only the Insurance Charge. Because units that only reflect the Insurance Charge are less expensive, the number of units attributed to a Contract is decreased and the unit value of each unit of the Sub-accounts in which the Contract owner was invested is increased. The Contract owner's account value is unchanged by the conversion of the account value to the number of units, and unit values will not affect the Owner's account value. Beginning on that date, the Contract owner's account value will fluctuate based on the change in the value of the units that only reflect the Insurance Charge.

17. Applicants represent that no deduction or charge will be made from purchase payments for sales or distribution expenses. However, a CDSC may be assessed on surrender or partial withdrawal from the Contract. The CDSC will be used to compensate ASLAC for sales commissions and other promotional or distribution expenses incurred by ASLAC which are associated with the marketing of the Contracts. ASLAC does not anticipate that the CDSC will be sufficient to permit it to recoup all its sales and distribution expenses.

18. Applicants state that XT FOUR offers a free withdrawal privilege. This privilege permits a Contract owner to

withdraw account value without any CDSC being imposed at the time of withdrawal. The maximum amount available as a free withdrawal during annuity year one through eight is 10% of all purchase payments. The 10% free withdrawal is not cumulative. After annuity year eight, the maximum free withdrawal amount is the sum of (a) 10% of any purchase payments applied to the Contract after the initial purchase payment, (b) 100% of the initial purchase payment and (c) 100% of any growth in the Contract, which equals the current account value minus all purchase payments that have not been previously withdrawn. The Credit amount, which is is applied to the purchase payments when applicable, is not considered growth and is not available as a free withdrawal. Amounts withdrawn under the free withdrawal provision do not reduce the CDSC that may apply to a subsequent surrender. The XT SIX offers a free withdrawal privilege as well. This privilege permits a Contract owner to withdraw account value without any CDSC being imposed at the time of withdrawal. The maximum amount available as a free withdrawal during annuity year one through ten is 10% of all purchase payments. The 10% free withdrawal is not cumulative. After annuity year ten, the maximum free withdrawal amount is 100% of the account value, including any Credits.

Applicants represent that on full or partial surrenders under XT FOUR, the CDSC on any purchase payments surrendered in excess of the free withdrawal privilege is based on a schedule of 8.5% in year one to 0.0% in year nine and beyond. The amount of the CDSC applicable to each purchase payment decreases over time, measured from the date each purchase payment is applied.

Applicants further represent that on full or partial surrenders under the XT SIX, the CDSC on any purchase payments surrendered in excess of the free withdrawal privilege is based on a schedule of 9.0% in year one to 0.0% in year eleven and beyond. The CDSC is measured from the issue date, not from the date that each purchase payment is applied.

Applicants state that for purposes of calculating the CDSC, withdrawals will be considered to come first from any amount available as a free withdrawal, then, to the extent the amount withdrawn exceeds the free withdrawal, from purchase payments that have not previously been withdrawn subject to a CDSC. If there are multiple new purchase payments, the one received earliest is liquidated first, then the one received next, so that the lowest CDSC percentage will apply to the amount withdrawn.

Applicant's Legal Analysis

1. Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities or transactions from the provisions of the Act and the rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

2. Applicants request that the Commission, pursuant to section 6(c) of the Act, grant the exemptions requested below with respect to the Contracts, and any Future Contracts funded by the Accounts or Future Accounts, that are issued by ASLAC and underwritten or distributed by ASM. Applicants undertake that Future Contracts funded by the Account or any Future Account will be substantially similar in all material respects to the Contracts. Applicants believe that the requested exemptions are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

3. Applicants represent that it is not administratively feasible to track the actual Credit amount in one or the other of the Accounts after the Credit is applied to purchase payments in the Contract. Accordingly, the asset-based charges applicable to the Accounts will be assessed against the entire account value held in the respective Accounts, including the Credit amount, during the right to cancel period, for a medically-related surrender and when purchase payments are made within 12 months prior to the date of death. As a result, the aggregate asset-based charges assessed against a Contract owner's account value will be higher than that which would be charged if the Contract owner's account value did not include the Credit. ASLAC has agreed to provide such disclosure in the prospectus.

4. Subsection (i) of Section 27 provides that Section 27 does not apply to any registered separate account funding variable insurance contracts, or to the sponsoring insurance company and principal underwriter of such account, except as provided in paragraph (2) of the subsection. Paragraph (2) of the subsection provides that it shall be unlawful for such a separate account or sponsoring insurance company to sell a contract funded by the registered separate account unless ''(A) such contract is a redeemable security.'' Section 2(a)(32) defines ''redeemable security'' as any security, other than short-term paper, under the terms of which the holder, upon presentation to the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof.

5. Applicants submit that the Credit recapture provisions would not deprive a Contract owner of his or her proportionate share of the issuer's current net assets. A Contract owner's interest in the amount of the Credit allocated to his or her annuity account value is not vested until the applicable right to cancel period has expired without return of the Contract. Similarly, a Contract owner's interest in the amount of the Credit allocated to his or her annuity account value will vest, except for Credits allocated to purchase payments received by ASLAC within the first 12 months of the date the Annuitant first became eligible for the medically-related surrender. And lastly, a Contract owner's interest in the amount of the Credit allocated to his or her annuity account value will vest, except for Credits applied to the account value on purchase payments made within 12 months prior to the date of death.

6. Applicants state that the recapture of any Credit is intended only to protect ASLAC against anti-selection under certain specified contingencies. ''Anti-selection'' can generally be described as a risk that persons obtain coverage based on knowledge that the contingency that triggers payment of an insurance benefit is likely to occur, or is to occur shortly. In the case of the Contracts, the Credits are provided on a guaranteed issue basis. The protection against anti-selection by persons who are ill is the reduction of the death benefit or the amount available as a medically-related surrender by the amount of a Credit applied to purchase payments made within 12 months prior to the applicable Contingency Event, as defined in XT FOUR or XT SIX. With respect to Credits allocated prior to the end of the Contract's right to cancel provision, the amount payable when such provision is exercised must be reduced by an amount equal to the Credits allocated. Otherwise, purchasers would apply for annuities for the sole purpose of making a quick profit and then exercise the right to cancel provision.

7. Applicants represent that, until or unless the amount of any Credit is vested, ASLAC retains the right to, and interest in, the Credit amount, although

not in the earnings attributable to that amount. Thus, when ASLAC recaptures any Credit, it is simply retrieving its own assets, and because a Contract owner's interest in the Credit is not vested, the Contract owner has not been deprived of a proportionate share of the applicable Account's assets, *i.e.,* a share of the applicable Account's assets proportionate to the Contract owner's account value (including the Credit).

8. For the foregoing reasons, Applicants state, the provisions for recapture of any Credit under the Contracts do not, and any such Future Contract provisions will not, violate section 2(a)(32) and section 27(i)(2)(A) of the Act. Indeed, a contrary conclusion would be inconsistent with a stated purpose of the National Securities Market Improvement Act (''NSMIA''), which is ''to amend the [Act] to * * * provide more effective and less burdensome regulation.'' Section 26(e) (now renumbered as section 26(f)) and section 27(i) were added to the Act pursuant to section 205 of NSMIA to implement the purposes of NSMIA and the Congressional intent. Thus, the application of a Credit to contributions made under the Contracts should not raise any questions as to ASLAC's compliance with the provisions of section 27(i). Nevertheless, to avoid any uncertainties, Applicants request an exemption from Sections 2(a)(32) and 27(i)(2)(A), to the extent deemed necessary, to permit the recapture of any Credit under the circumstances described herein with respect to Contracts and any Future Contracts, without the loss of the relief from section 27 provided by section 27(i).

9. Section 22(c) of the Act authorizes the Commission to make rules and regulations applicable to registered investment companies and to principal underwriters of, and dealers in, the redeemable securities of any registered investment company to accomplish the same purposes as contemplated by section 22(a). Rule 22c–1 thereunder prohibits a registered investment company issuing any redeemable security, a person designated in such issuer's prospectus as authorized to consummate transactions in any such security, and a principal underwriter of, or dealer in such security, from selling, redeeming, or repurchasing any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

10. ASLAC's recapture of the Credit arguably might be viewed as resulting in the redemption of redeemable securities for a price other than one based on the current net asset value of the Sub-accounts. The recapture of the Credit is not violative of Rule 22c–1. The recapture of the Credit does not involve either of the evils that Rule 22c–1 was intended to eliminate or reduce as far as reasonably practicable, namely: (a) The dilution of the value of outstanding redeemable securities of registered investment companies through their sale at a price below net asset value or their redemption or repurchase at a price above it, and (b) other unfair results, including speculative trading practices. These evils were the result of backward pricing, the practice of basing the price of a mutual fund share on the net asset value per share determined as of the close of the market on the previous day. Backward pricing allowed investors to take advantage of increases or decreases in net asset value that were not yet reflected in the price, thereby diluting the values of outstanding mutual fund shares.

11. Applicants state that the proposed recapture of the Credit poses no such threat of dilution. To effect a recapture of a Credit, ASLAC will redeem interests in a Contract owner's account at a price determined on the basis of the current net asset value of the respective Sub-Accounts. The amount recaptured will equal the amount of the Credit that ASLAC paid out of its own general account assets. Although Contract owners will be entitled to retain any investment gain attributable to the Credit, the amount of such gain will be determined on the basis of the current net asset value of the respective Sub-accounts. Thus, no dilution will occur upon the recapture of the Credit. Applicants also submit that the second harm that Rule 22c–1 was designed to address, namely, speculative trading practices calculated to take advantage of backward pricing, will not occur as a result of the recapture of the Credit.

Applicants believe that because neither of the harms that Rule 22c–1 was meant to address is found in the recapture of the Credit, Rule 22c–1 should have no application to any Credit. However, to avoid any uncertainty as to full compliance with the Act, Applicants request an exemption from the provisions of Rule 22c–1 to the extent deemed necessary to permit them to recapture the Credit under the Contracts and Future Contacts.

Conclusion

Applicants submit, based on the grounds summarized above, that their exemptive request meets the standards set out in section 6(c) of the Act, namely, that the exemptions requested are necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, and that, therefore, the Commission should grant the requested order.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 02–2069 Filed 1–28–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Federal Register Citation of Previous Announcement: [To be published on Friday, January 25, 2002]

Status: Closed Meeting.

Place: 450 Fifth Street, NW., Washington, DC.

Date and Time of Previously Announced Meeting: Tuesday, January 29, 2002 at 10 a.m.

Change in the Meeting: Cancellation of Meeting/Additional Meetings.

The closed meeting scheduled for Tuesday, January 29, 2002, has been cancelled, and rescheduled for Wednesday, February 6, 2002, at 10 a.m. An additional closed meeting will be held on Thursday, February 7, 2002, at 10 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meetings. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), (9)(B), and (10) and 17 CFR 200.402(a)(3) (5), (7), 9(ii) and (10), permit consideration of the scheduled matters at the closed meetings.

The subject matters of the closed meetings scheduled for Wednesday, February 6, 2002, and Thursday, February 7, 2002, will be: Institution and settlement of injunctive actions; institution and settlement of administrative proceedings of an enforcement nature; formal orders of investigation; and adjudicatory matters.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if

any, matters have been added, deleted or postponed, please contact: The Office of the Secretary at (202) 942–7070.

Dated: January 24, 2002.

Jonathan G. Katz,

Secretary.

[FR Doc. 02–2208 Filed 1–25–02; 11:21 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45325; File No. SR–CHX–99–18]

Self-Regulatory Organizations; The Chicago Stock Exchange, Inc.; Order Granting Approval to Proposed Rule Change Relating to the Display of Limit Orders on the Exchange

January 23, 2002.

On September 24, 1999, The Chicago Stock Exchange, Inc. (''CHX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to conform its limit order display requirements under CHX Article XX, Rule 7, to Rule 11Ac1–4 under the Act.[3] The proposed rule change was published for comment in the **Federal Register** on December 11, 2001.[4] The Commission received no comments on the proposal.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange[5] and, in particular, the requirements of section 6 of the Act[6] and the rules and regulations thereunder. The Commission finds specifically that the proposed rule change is consistent with section 6(b)(5) of the Act[7] because it will allow the CHX to treat limit orders in a manner consistent with the requirements of Rule 11Ac1–4.[8]

It is therefore ordered, pursuant to section 19(b)(2) of the Act[9], that the proposed rule change (SR–CHX–99–18) be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–2117 Filed 1–28–02; 8:45 am]

BILLING CODE 8010–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.11Ac1–4.

[4] See Securities Exchange Act Release No. 45122 (December 4, 2001), 66 FR 64066.

[5] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[6] 15 U.S.C. 78f.

[7] 15 U.S.C. 78f(b)(5).

[8] 17 CFR 240.11Ac1–4.

[9] 15 U.S.C. 78s(b)(2).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45317; File No. SR–DTC–2001–15]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Revising The Depository Trust Company's Fee Schedule

January 18, 2002.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on August 31, 2001, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by DTC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change revises DTC's fee schedule.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change imposes a fee for each automated request transmitted to DTC for images of deposited securities using the BDSI (for deposits made through the Branch Deposit Service) and DAMP (for deposits made through the Deposit Automated Management Program) functions.

The proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to DTC because fees will more equitably be allocated among users of DTC.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments from DTC participants or others have not been solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change establishes fees to be imposed by DTC, it has become effective pursuant to section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2).[4] At any time within sixty days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549–0609. Copies of the submission, all subsequent

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified parts of these statements.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b-4(f)(2).

amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of DTC. All submissions should refer to the File No. SR–DTC–2001–15 and should be submitted by February 19, 2002.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[5]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 02–2067 Filed 1–28–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45318; File No. SR–DTC–2001–20]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Revising the Fee Schedule of The Depository Trust Company

January 18, 2002.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on December 17, 2001, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by DTC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of revisions to the fee schedule of DTC for 2002.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to adjust the fees DTC charges for various services so that they may be aligned with their respective estimated service costs for 2002, effective with respect to services provided on and after January 2, 2002. A copy of DTC's revised fee schedule is attached to DTC's proposed rule change.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to DTC because fees will more equitably be allocated among users of DTC services.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC perceives no impact on competition by reason of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments from DTC participants or others have not been solicited or received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change establishes or changes fees to be imposed by DTC, it has become effective pursuant to section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2).[4] At any time within sixty days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

VI. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW, Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of DTC. All submissions should refer to the File No. SR–DTC–2001–20 and should be submitted by February 19, 2002.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[5]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 02–2068 Filed 1–28–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45316; File No. SR–DTC–2001–05]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing of Proposed Rule Change Relating to Adopting Unitary Action Procedures

January 18, 2002.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on April 12, 2001, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule

[5] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified parts of these statements.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

change (File No. SR–DTC–2001–05) as described in Items I, II, III below, which items have been prepared primarily by DTC. The Commission is publishing this notice to solicit comments from interested persons.

I. Self Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

DTC proposes to adopt procedures to enable its nominee, Cede & Co., to exercise certain rights as the recordholder of securities on deposit at DTC where Cede & Co. is only permitted to act with respect to 100% of the securities on deposit or not act at all. This is known as a ''Unitary Action'' situation.[2]

II. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries set forth in sections A, B, and C below of the most significant aspects of such statements.[3]

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

Under DTC's current procedures, in situations involving solicitations when an issuer has announced an annual or special shareholders meeting or consent solicitation and where a record date has been established, DTC assigned applicable Cede & Co. voting rights or consenting rights to its participants that have securities credited to their accounts on the record date and issues an omnibus proxy and forwards it to the issuer or trustee. DTC also assists its participants in exercising other rights available to Cede & Co. as the recordholder of securities on deposit at DTC, such as the right to dissent and seek an appraisal of stock, the right to inspect a stock ledger, and the right to accelerate a bond. Participants may seek DTC's assistance in exercising such rights on their own behalf or on behalf of their customers. DTC will act in these matters only upon written instructions from participants with securities credited in its DTC free account.

In a Unitary Action situation, however, DTC cannot follow the procedures described above.[4] DTC's proposed rule change would enable DTC, in its sole discretion, to determine whether it has a reasonable amount of time to solicit and receive instructions from participants in advance of taking the Unitary Action. If DTC believes it has time to solicit and receive information from its participants, as a general rule DTC will use reasonable efforts to obtain instructions from participants holding a position in the affected security as to how to act. DTC will then act in accordance with the instructions timely received from the holders of a plurality of the number of shares or principal amount of bonds or notes of the affected security registered in Cede & Co.'s name. For matters that are ministerial or otherwise nonsubstantive in nature, DTC may in its sole discretion announce to its participants an action that it plans to take. DTC shall then be deemed to be authorized by participants to take such action, absent instructions timely received to the contrary from its participants representing a majority of the number of shares or principal amount of bonds or notes of the affected security registered in Cede & Co.'s name.

When involved in a situation requiring a Unitary Action where DTC in its sole discretion determines that it does not have a reasonable amount of time to solicit and receive instructions from participants in advance of taking the Unitary Action, DTC may use reasonable efforts to act for the benefit of participants holding positions in the affected security but shall have no obligation to do so.

Under the proposed Unitary Action procedures, DTC will not be liable for any losses arising from Unitary Actions it takes or fails to take in connection with the above-described procedures, other than those losses that are directly caused by DTC's gross negligence or willful misconduct. Moreover, under DTC Rule 20, DTC may charge each participant that holds a position in the affected security a pro rate share (based on the number of shares or principal amount of bonds or notes) of expenses related to DTC's taking a Unitary Action. In such a situation, DTC may incur unusual expenses (*e.g.,* hiring outside counsel) that are specifically attributable to the securities that are subject to the Unitary Action, whereas the Unitary Action does not involve any other securities on deposit with DTC.

DTC believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to DTC since the proposed rule change will, by clarifying the procedures that DTC will follow in situations calling for Unitary Actions, promote the prompt and accurate clearance and settlement of securities transactions.

B. Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments from DTC participants have not been solicited or received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or such longer period (i) as the Commission may delegate up to ninety days of such date if it finds such longer period to be appropriate and published its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in

[2] The text of DTC's Unitary Action Procedures is labeled as Exhibit 2 of DTC's proposed rule change and is available through the Commission's Public Reference Room or through DTC.

[3] The Commission has modified the text of the summaries prepared by DTC.

[4] DTC has experienced only one Unitary Action event. That event involved a non U.S.-issuer in a bankruptcy situation.

the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at DTC's principal office. All submissions should refer to File No. SR–DTC–2001–05 and should be submitted by February 19, 2002.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[5]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 02–2070 Filed 1–28–02; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

[Public Notice 3899]

Modification of Description of ''Territory of Afghanistan Controlled by the Taliban'' in Executive Order 13129

Executive Order 13129 of July 4, 1999, blocks property and prohibits transactions with the Taliban. Under section 4(d) of this Order, the Secretary of State, in consultation with the Secretary of the Treasury, is authorized to modify the description of the term ''territory of Afghanistan controlled by the Taliban.'' Acting under the authority delegated to me by the Secretary of State in Delegation of Authority 235 of October 14, 1999, and in consultation with the Secretary of the Treasury, I hereby determine as of this date that the Taliban controls no territory within Afghanistan, and modify the description of the term ''territory of Afghanistan controlled by the Taliban'' to reflect that the Taliban controls no territory within Afghanistan.

This notice shall be published in the **Federal Register**.

Dated: January 24, 2002.

Richard L. Armitage,

Deputy Secretary of State, Department of State.

[FR Doc. 02–2244 Filed 1–25–02; 2:35 pm]

BILLING CODE 4710–07–P

DEPARTMENT OF STATE

[Public Notice 3898]

Office Of Defense Trade Controls; Notifications to the Congress of Proposed Commercial Export Licenses

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Department of State has forwarded the attached Notifications of Proposed Export Licenses to the Congress on the dates shown on the attachments pursuant to sections 36(c) and 36(d) and in compliance with section 36(e) of the Arms Export Control Act (22 U.S.C. 2776).

EFFECTIVE DATE: As shown on each of the twenty-three letters.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Lowell, Director, Office of Defense Trade Controls, Bureau of Political-Military Affairs, Department of State (202 663–2700).

SUPPLEMENTARY INFORMATION: Section 38(e) of the Arms Export Control Act mandates that notifications to the Congress pursuant to sections 36(c) and 36(d) must be published in the **Federal Register** when they are transmitted to Congress or as soon thereafter as practicable.

Dated: January 16, 2002.

William J. Lowell,

Director, Office of Defense Trade Controls, Department of State.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

November 1, 2001.

Dear Mr. Speaker: Pursuant to Section 36(c) and (d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export to Japan of technical data, defense services and defense articles for the manufacture and servicing of the RT–1063B/APX–101(V) and RT–1063C/APX–101(V) Transponder for end-use by Japan.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification, which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

November 1, 2001.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export to Norway of technical data and defense services for the manufacture of F110 and F118 engine components for return to the United States.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification, which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

November 1, 2001.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the modernization of eighty CF–18 aircraft for the Government of Canada.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

November 13, 2001.

Dear Mr. Speaker: Pursuant to Section 36 (c) and (d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed manufacturing license agreement with Germany, the Netherlands, and Spain.

The transaction described in the attached certification involves the transfer of technical data and assistance in the manufacture of components, subassemblies and sections common to the STANDARD MISSILE 2 Block IIIA and other STANDARD MISSILE Variants for end use by the Netherlands, German and Spanish Navies.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

[5] 17 CFR 200.30–3(a)(12).

Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

November 13, 2001.

Dear Mr. Chairman: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of technical data and defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction described in the attached certification involves the export to the Republic of Korea (ROK) of technical data and assistance in the manufacture of the Gunners Primary Tank Thermal Sight for end-use by the ROK Government.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

November 13, 2001.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of technical assistance in the development of a satellite communications system super-high frequency ECCM modem for end use by the United Kingdom Ministry of Defense.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

November 13, 2001.

Dear Mr. Speaker: Pursuant to Section 36(c) and (d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $50,000,000 or more.

The transaction described in the attached certification involves the export to Japan of technical data, defense services and defense articles for the manufacture of the LN–39J Inertial Navigation System for end-use by Japan.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification, which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

November 13, 2001.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed manufacturing license agreement with South Korea.

The transaction described in the attached certification involves the transfer of naval architectural and marine engineering services to South Korea for the design and development of the 7000-ton KDX–III Class Aegis Destroyer for the Republic of Korea Navy.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification, which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

November 27, 2001.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement with Japan.

The transaction described in the attached certification involves the production of Shielded Mild Detonating Cord for end-use by the Japanese Defense Force.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

November 27, 2001.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the manufacture of Programmable Armament Control Systems for F–15 aircraft in Japan.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

November 27, 2001.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of Defensive Aids Sub-Systems for Maritime Patrol Aircraft to the United Kingdom, Ministry of Defense.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

November 27, 2001.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles and defense services to upgrade the French E–3F Airborne Warning and Surveillance (AWACS) aircraft.

The United States Government is prepared to license the export of these items having taken into account political, military,

economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

November 27, 2001.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed manufacturing license agreement with the United Kingdom.

The transaction described in the attached certification involves the transfer of technical data and assistance in the manufacture of the AMRAAM Target Detection Device (TDD or fuze) for return to the United States.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification, which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

November 27, 2001.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act and consistent with Title IX of Public Law 106–79, I am transmitting herewith certification of a proposed license for the export of defense articles to India.

The President made a determination in a manner consistent with Title IX of the Department of Defense Appropriations Act, Fiscal Year 2000 (Public Law 106–79) to waive sanctions on India in connection with the Glenn Amendment and related provisions, as reported to you by separate letter. Under Title IX, the issuance of a license for the export of defense articles or defense services to India pursuant to the waiver authority of that Title is subject to the same requirements as are applicable to the export of items described in section 36(c) of the Arms Export Control Act, and the Administration is treating authorization for the requested export consistent with these provisions.

The transaction described in the attached certification involves the transfer of communications satellite components and defense services associated with the sale of the Agrani satellite to India by France and its launch from the United States.

The United States Government is prepared to authorize the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

December 17, 2001.

Dear Mr. Speaker: Pursuant to Section 36(c) and (d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles and defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export to Japan of technical data, defense services and defense articles for the manufacture, engineering, and assembly of the AN/APS–137B(V)5 Radar set, components and associated test equipment for end-use by the Japanese Maritime Self Defense Force.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly
Assistant Secretary. Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

December 17, 2001.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of technical data and assistance to Japan for the manufacture of the NR–109 Illumination Projectile for end-use by the Japanese Defense Agency.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

December 17, 2001.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of technical data and assistance for the U.S. launch of the EUTELSAT W–4 and EUTELSAT Hotbird 6 commercial communications satellites into earth orbit.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

December 17, 2001.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles and defense services in the amount of $50,000,000 or more.

The transaction described in the attached certification involves the export to Japan of technical data, defense articles and assistance for the manufacture of the Standard Flight Data Recorder for end-use by the Japanese Defense Agency in their aircraft.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

December 17, 2001.

Dear Mr. Speaker: Pursuant to Section 36(c) and (d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of technical data and defense services for the manufacture, operation and maintenance in Japan of the Combined Interrogator/Transponder IFF System on F–2 aircraft of the Japanese Government.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

December 19, 2001.

Dear Mr. Speaker: Pursuant to Section 36(c) and (d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of technical data and defense services for the manufacture in Japan of the KD2R–5 Target Drone Airplanes for the Japanese Government.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

December 21, 2001.

Dear Mr. Speaker: Pursuant to Section 36(c) and (d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export to Taiwan of technical data, defense services and defense articles for the manufacture and assembly of the MK 19, 40mm Grenade Machine Gun and MK 64, Mod 9 Machine Gun mount for end-use by Taiwan.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Sec*retary, Legislative Affairs.*

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

December 21, 2001.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement with Turkey.

The transaction described in the attached certification involves the manufacture in Turkey of the MXF–483 and MXF–484 Airborne Frequency Hopping UHF/VHF Transceivers for end-use in NATO member countries, Australia, New Zealand, and South Korea.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

December 21, 2001.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export to the United Kingdom of technical data related to the development and repair of United Kingdom produced items (i.e., head up displays, air data computers, and sensors) for end-use by the U.S. Government.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

[FR Doc. 02–2164 Filed 1–28–02; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF STATE

[Public Notice 3897]

Culturally Significant Objects Imported for Exhibition Determinations: ''Women Who Ruled: Queens, Goddesses, Amazons 1500–1650''

AGENCY: United States Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the objects to be included in the exhibition ''Women Who Ruled: Queens, Goddesses, Amazons 1500–1650,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner. I also determine that the exhibition or display of the exhibit objects at the University of Michigan Museum of Art, Ann Arbor, MI from on or about February 17, 2002 to on or about May 5, 2002, the Davis Museum and Cultural Center at Wellesley College, from on or about September 14, 2002 to on or about December 8, 2002, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Carol B. Epstein, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State, (telephone: 202/619–6981). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: January 22, 2002.

Patricia S. Harrison,

Assistant Secretary for Educational and Cultural Affairs, United States Department of State.

[FR Doc. 02–2163 Filed 1–28–02; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 3836]

Shipping Coordinating Committee; Meeting Notice

The Shipping Coordinating Committee, will conduct an open meeting on Thursday, February 21, 2002, at 1:30 pm in Room 6103, U.S. Coast Guard Headquarters, 2100 Second Street, SW, Washington, DC. The purpose of the meeting is to prepare for the forty-fifth session of the Subcommittee on Ship Design and Equipment of the International Maritime Organization (IMO) that is scheduled for March 18–22, 2002, at IMO Headquarters in London, England.

Among other things, items of particular interest are: large passenger ship safety; revision of resolutions MEPC.60(33) and A.586(14) regarding pollution prevention equipment; interpretations and amendments to the 2000 High Speed Craft Code; development of guidelines for ships operating in ice-covered waters; low-powered radio homing devices for liferafts on ro-ro passenger ships; use of desalinators on liferafts and lifeboats; amendments to the International Convention for the Safety of Life at Sea (SOLAS) requirements on electrical installations; amendments to resolution A.744(18) regarding guidelines on the enhanced program of inspections during surveys of bulk carriers and oil tankers; revision of the Interim Standards for ship maneuverability; and guidelines under the International Convention for the Prevention of Pollution from Ships (MARPOL) Annex VI on prevention of air pollution from ships.

All members of the public are encouraged to attend or send representatives to participate in the development of U.S. positions on those issues affecting your maritime industry and remain abreast of all activities ongoing within the IMO. Members of the public may attend this meeting up to the seating capacity of the room. Interested persons may seek information by writing: Mr. Wayne Lundy, U.S. Coast Guard Headquarters, Commandant (G–MSE–3), 2100 2nd Street, SW., Washington, DC 20593–0001 or by calling: (202) 267–2206.

Dated: January 17, 2002.

Stephen Miller,

Executive Secretary, Shipping Coordinating Committee, Department of State.

[FR Doc. 02–2161 Filed 1–28–02; 8:45 am]

BILLING CODE 4710–07–P

DEPARTMENT OF STATE

[Public Notice 3837]

Shipping Coordinating Committee; Notice of Meeting

The Shipping Coordinating Committee will conduct an open meeting at 9:30 AM on Thursday, March 14, 2002. This meeting will be held in room 3246A at the Department of Transportation Headquarters Building, 400 Seventh Street, SW., Washington, DC 20950. The purpose of this meeting is to review the outcome of the Sixth Session of the International Maritime Organization (IMO) Subcommittee on Radiocommunications and Search and Rescue, which was held the week of February 18–22, 2002, at the IMO headquarters in London, England.

Further information, including the meeting agenda, the meeting room number, and input papers, can be obtained from the Coast Guard Navigation Information Center Internet World Wide Web by entering: ''http://www.navcen.uscg.gov/marcomms''.

Members of the public may attend this meeting up to the seating capacity of the room. Interested persons may seek information by writing: Mr. Russell S. Levin, U.S. Coast Guard Headquarters, Commandant (G–SCT–2), Room 6509, 2100 Second Street, SW., Washington, DC 20593–0001, by calling: (202) 267–1389, or by sending Internet electronic mail to *rlevin@comdt.uscg.mil.*

Dated: January 17, 2002.

Stephen Miller,

Executive Secretary, Shipping Coordinating Committee, Department of State.

[FR Doc. 02–2162 Filed 1–28–02; 8:45 am]

BILLING CODE 4710–07–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Comments Concerning Compliance With Telecommunications Trade Agreements

AGENCY: Office of the United States Trade Representative.

ACTION: Extension of time to file public comment concerning compliance with Telecommunications Trade Agreements; additional information on filing of comments.

SUMMARY: The Office of the United States Trade Representative published a document in the **Federal Register** on December 27, 2001, concerning request for comments on compliance with telecommunications trade agreements. We are extending the date by which persons should file comments to February 1, 2002. In addition, we are providing additional guidance for the submission of comments which should be carefully reviewed.

FOR FURTHER INFORMATION CONTACT: Kenneth Schagrin, 202–395–5663.

In the **Federal Register** of December 27, 2001, in FR Doc. 01–31795 on page 66964, make the following changes:

1. In the first column, under **DATES:**, the new date should read February 1, 2002.

2. In the second column under **PUBLIC COMMENTS: REQUIREMENTS FOR SUBMISSION**, remove the second, third and fourth paragraphs and add new paragraphs to read as follows:

In order to ensure the most timely and expeditious receipt and consideration of comments, USTR has arranged to accept submissions in electronic format (e-mail). Comments should be submitted electronically to *FR0013@ustr.gov.* An automatic reply confirming receipt of e-mail submission will be sent. E-mail submissions in Microsoft Word or Corel WordPerfect are preferred. If a word processing application other than those two is used, please include in your submission the specific application used. For any documents containing business confidential information submitted electronically, the file name of the business confidential version should begin with the characters ''BC'', and the file name of the public version should begin with the character ''P''. The ''BC'' and ''P'' should be followed by the name of the person or entity submitting the comments. Interested persons who make submissions electronically should not provide separate cover letters; rather, information that might appear in a cover letter should be included in the submission itself. Similarly, to the extent possible, any attachments to the submission should be included in the same file as the submission itself, and not as separate files.

We strongly urge people to avail themselves of the electronic filing, if at all possible. If an e-mail submission is impossible, 15 copies may be submitted, in English, to Gloria Blue, Office of the United States Trade Representative, by noon on February 1, 2002. Submissions not filed electronically must be delivered by private commercial courier, and arrangements must be made with Ms. Blue prior to delivery for their receipt. Ms. Blue should be contacted at (202) 395–3475.

All comments will be placed in the USTR Reading Room for inspection shortly after the filing deadline, except

business confidential information exempt from public inspection in accordance with 15 CFR 2003.6. Confidential information submitted in accordance with 15 CFR 2003.6, must be clearly marked ''BUSINESS CONFIDENTIAL'' in a contrasting color ink at the top of each page on each of 15 copies, and must be accompanied by 15 copies of a non-confidential summary of the confidential information. The non-confidential summary will be placed in the USTR Public Reading Room. USTR will also post all non-confidential comments filed on the USTR web site. Therefore, those persons not availing themselves of electronic filing, must submit their 15 copies with a diskette. USTR will post the non-confidential version of the filing, therefore the non-confidential version must be clearly marked on the diskette.

An appointment to review the comments may be made by calling the USTR Reading Room at (202) 395–6186. The USTR Reading Room is open to the public from 9:30 a.m. to 12 noon, and from 1 p.m. to 4 p.m., Monday through Friday, and is located in Room 3 of 1724 F Street, NW.

Dated: January 18, 2002.

Carmen Suro-Bredie,

Chairman, Trade Policy Staff Committee.

[FR Doc. 02–1841 Filed 1–28–02; 8:45 am]

BILLING CODE 3190–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG 2001–10855]

Information Collection Under Review by the Office of Management and Budget (OMB): 2115–0636

AGENCY: Coast Guard, DOT.

ACTION: Request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this request for comments announces that the Coast Guard has forwarded one Information Collection Report (ICR) abstracted below to the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget (OMB) for review and comment. Our ICR describes the information we seek to collect from the public. Review and comment by OIRA ensures that we impose only paperwork burdens commensurate with our performance of duties.

DATES: Please submit comments on or before February 28, 2002.

ADDRESSES: To make sure that your comments and related material do not enter the docket [USCG 2001–10855] more than once, please submit them by only one of the following means:

(1) By mail (a) to the Docket Management Facility, U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001, or (b) to OIRA, 725 17th Street NW., Washington, DC 20503, to the attention of the Desk Officer for the Coast Guard. Caution: Because of recent delays in the delivery of mail, your comments may reach the Facility more quickly if you choose one of the other means described below.

(2) By delivery to (a) room PL–401 at the address given in paragraph (1)(a) above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329, or (b) OIRA, at the address given in paragraph (1)(b) above, to the attention of the Desk Officer for the Coast Guard.

(3) By fax to (b) the Docket Management Facility at 202–493–2251 or (b) OIRA 202–395–7285, attention: Desk Officer for the Coast Guard.

(4) Electronically (a) through the Web Site for the Docket Management System at *http://dms.dot.gov* or (b) OIRA does not have a website on which you can post your comments.

The Docket Management Facility maintains the public docket for this notice. Comments and material received from the public, as well as documents mentioned in this notice as being available in the docket, will become part of this docket and will be available for inspection or copying at room PL–401 (Plaza level), 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at *http://dms.dot.gov*.

Copies of the complete ICR are available for inspection and copying in public dockets. A copy of it is available in docket USCG 2001–10855 of the Docket Management Facility between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays; for inspection and printing on the internet at *http://dms.dot.gov;* and for inspection from the Commandant (G-CIM–2), U.S. Coast Guard, room 6106, 2100 Second Street S.W., Washington, DC, between 10 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Barbara Davis, Office of Information Management, 202–267–2326, for questions on this document; Dorothy Beard, Chief, Documentary Services Division, U.S. Department of Transportation, 202–366–5149, for questions on the docket.

SUPPLEMENTARY INFORMATION :

Regulatory History

This request constitutes the 30-day notice required by OIRA. The Coast Guard has already published [66 FR 55237 (November 1, 2001)] the 60-day notice required by OIRA. That notice elicited no comments.

Request for Comments

The Coast Guard invites comments on the proposed collection of information to determine whether the collection is necessary for the proper performance of the functions of the Department. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the collection; (2) the accuracy of the Department's estimated burden of the collection; (3) ways to enhance the quality, utility, and clarity of the information that is the subject of the collection; and (4) ways to minimize the burden of collection on respondents, including the use of automated collection techniques or other forms of information technology.

Comments, to DMS or OIRA, must contain the OMB Control Number of the ICR addressed. Comments to DMS must contain the docket number of this request, USCG 2001–10855. Comments to OIRA are best assured of having their full effect if OIRA receives them 30 or fewer days after the publication of this request.

Information Collection Request

Title: Survey of Customers of the International Ice Patrol (IIP) Run by the Coast Guard.

OMB Control Number: 2115–0636.

Type of Request: Extension of a currently approved collection.

Affected Public: Masters, crewmembers, scientists, or other persons that use the bulletins or charts of the IIP.

Forms: Survey of Customers of the International Ice Patrol (IIP).

Abstract: The Coast Guard will use the information obtained from customers to measure satisfaction with current services and determine whether added services are necessary.

Annual Estimated Burden Hours: The estimated burden is 125 hours a year.

Dated: January 23, 2002.

V.S. Crea,

Director of Information and Technology.

[FR Doc. 02–2152 Filed 1–28–02; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2002–01]

Petitions for Exemption; Summary of Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

FOR FURTHER INFORMATION CONTACT: Forest Rawls (202) 267–8033, Sandy Buchanan-Sumter (202) 267–7271, or Vanessa Wilkins (202) 267–8029, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on January 24, 2002.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No.: FAA–2001–10799 (previously Docket No. 29682).

Petitioner: Garrett Aviation Services.

Section of 14 CFR Affected: 14 CFR 145.45(f).

Description of Relief Sought/Disposition: To permit Garrett to place and maintain its inspection procedures manual (IPM) in strategically located areas throughout its facility in lieu of giving a copy of the IPM to each of its supervisory and inspection personnel.

Grant, 12/21/2001, Exemption No. 7089A

Docket No.: FAA–2001–10870.

Petitioner: Garrett Aviation Services.

Section of 14 CFR Affected: 14 CFR 25.813(e).

Description of Relief Sought/Disposition: To permit Garrett to install interior doors between passenger compartments on the Dassault Aviation airplane models Mystere Falcon 900 and Falcon 900EX.

Grant, 11/27/2001, Exemption No. 7668

[FR Doc. 02–2144 Filed 1–28–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2002–02]

Petitions for Exemption; Summary of Petitions Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of a certain petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before February 19, 2002.

ADDRESSES: Send comments on any petition to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2000–XXXX at the beginning of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to *http://dms.dot.gov.* You may review the public docket containing the petition, any comments received, and any final dispositions in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office (telephone 1–800–647–5527) is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Forest Rawls, (202) 267–8033, Sandy Buchanan-Sumter, (202) 267–7271, or Vanessa Wilkins, (202) 267–8029, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on January 24, 2002.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: FAA–2002–11280.

Petitioner: Lufthansa Technik AG.

Section of 14 CFR Affected: 14 CFR 25.601.

Description of Relief Sought: To allow Lufthansa to configure the Boeing Model 737–700 IGW series airplane for private, not-for-hire use with an executive interior that includes a partition partially made of glass in the passenger cabin.

[FR Doc. 02–2145 Filed 1–28–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2002–03]

Petitions for Exemption

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

FOR FURTHER INFORMATION CONTACT: Forest Rawls (202) 267–8033, Sandy Buchanan-Sumter (202) 267–7271, or Vanessa Wilkins (202) 267–8029, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on January 24, 2002.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No.: FAA–2001–11080 (previous Docket No. 29661).

Petitioner: Experimental Aircraft Association, Small Aircraft Manufacturers Association, and National Association of Flight Instructors.

Section of 14 CFR Affected: 14 CFR 91.319(a)(1) and (2).

Description of Relief Sought/ Disposition: To permit permits EAA, SAMA, and NAFI members who own certain amateur- and kit-built aircraft certificated in the experimental category to receive compensation for the use of the aircraft for the purpose of conducting aircraft-specific flight training and flight review under 14 CFR 61.56.

Grant, 12/20/2001, Exemption No. 7162B.

Docket No.: 28963.

Petitioner: Wiggins Airways, Inc.

Section of 14 CFR Affected: 14 CFR 43.3.

Description of Relief Sought/ Disposition: To permit properly trained pilots employed by Wiggins to change the electrical leads from the ignition exciter box to the spare ignition exciter box, in the event of an ignition box failure, on its Cessna C–208B Caravan aircraft (C–208B) for operations conducted under 14 CFR part 135.

Denial, 12/03/2001, Exemption No. 7671.

Docket No.: FAA–2001–10481.

Petitioner: The Boeing Company, Boeing Commercial Airplanes Group.

Section of 14 CFR Affected: 14 CFR 145.45(f).

Description of Relief Sought/ Disposition: To permit Boeing to give copies of its inspection procedures manual (IPM) to key individuals and make the manual available electronically to all other employees, rather than give a copy of the IPM to each of its supervisory and inspection personnel.

Grant, 11/29/2001, Exemption No. 7065A.

Docket No.: FAA–2001–8940.

Petitioner: Mr. Scot Alexander Liefeld.

Section of 14 CFR Affected: 14 CFR 65.104(a)(2).

Description of Relief Sought/ Disposition: To permit Mr. Liefeld to be eligible to apply for a repairman certificate (experimental aircraft builder) for the Pietenpol Air Camper kit airplane (registration No. N11MS, serial No. MS1), without being the primary builder.

Grant, 12/03/2002, Exemption No. 7672.

Docket No.: FAA–2001–8614.

Petitioner: GE On Wing Support, Inc.

Section of 14 CFR Affected: 14 CFR 145.37(b).

Description of Relief Sought/ Disposition: To permit GE OWS to qualify for an airframe rating without having suitable permanent housing for at least one of the heaviest aircraft within the weight class of the rating it seeks.

Denial, 12/03/2001, Exemption No. 7670.

[FR Doc. 02–2146 Filed 1–28–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2002–04]

Petitions for Exemption; Summary of Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

FOR FURTHER INFORMATION CONTACT: Forest Rawls (202) 267–8033, Sandy Buchanan-Sumter (202) 267–7271, or Vanessa Wilkins (202) 267–8029, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC on January 24, 2002.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No.: FAA–2001–10605.

Petitioner: United Airlines, Inc.

Section of 14 CFR Affected: 14 CFR 121.440(a) and SFAR 58, paragraph 6(b)(3)(ii)(A).

Description of Relief Sought/ Disposition:

To permit United Airlines, Inc., to meet line check requirements using an alternative line check program.

Grant, 12/31/2001. Exemption No. *3451M.* Docket No.: FAA–2001–9501.

Petitioner: U.S. Air Force.

Section of 14 CFR Affected: 14 CFR 91.209(a)(1) and (b).

Description of Relief Sought/ Disposition: To permit USAF to conduct night-vision flight training operations at and above 18,000 feet mean sea level in various aircraft without lighted position lights.

Grant, 01/03/2002, Exemption No. 7687.

[FR Doc. 02–2147 Filed 1–28–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2002–05]

Petitions for Exemption; Summary of Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

FOR FURTHER INFORMATION CONTACT: Forest Rawls (202) 267–8033, Sandy Buchanan-Sumter (202) 267–7271, or Vanessa Wilkins (202) 267–8029, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on January 24, 2002.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No.: FAA–2001–9461.

Petitioner: The World, LLC dba World Balloon.

Section of 14 CFR Affected: 14 CFR 91.319(c).

Description of Relief Sought/Disposition: To permit World Balloon to operate over densely populated areas its Cameron Balloons Ltd. COW–106 balloon and Dinosaur 80 balloon (registration Nos. N457C and N457D, serial Nos. 3945 and 3324, respectively), which are certificated in the experimental exhibition category.

Denial, 01/10/2002, Exemption No. 7693.

Docket No.: FAA–2001–9792.

Petitioner: The Boeing Company.

Section of 14 CFR Affected: 14 CFR 91.319(d)(3).

Description of Relief Sought/Disposition: To permit Boeing to operate an aircraft holding an experimental certificate into or out of airports with an operating control tower without notifying the control tower of the experimental nature of the aircraft.

Denial, 01/10/2002, Exemption No. 7692.

Docket No.: FAA–2001–9942.

Petitioner: McMahon Helicopter Services, Inc.

Section of 14 CFR Affected: 14 CFR 135.411(a)(2).

Description of Relief Sought/Disposition: To permit McMahon to operate 3 Sikorsky S–58/T helicopters with passenger seating configurations of 10 to 14 seats (1) without an approved flight recorder installed in each helicopter and (2) without those helicopters being maintained under a maintenance program in §§ 135.415, 135.416, 135.417, and 135.423 through 135.443.

Denial, 01/10/2002, Exemption No. 7690.

[FR Doc. 02–2148 Filed 1–29–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2002–06]

Petitions for Exemption; Summary of Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Dispositions for prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

FOR FURTHER INFORMATION CONTACT: Forest Rawls (202) 267–8033, Sandy Buchanan-Sumter (202) 267–7271, or Vanessa Wilkins (202) 267–8029, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on January 24, 2002.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No.: FAA–2000–8471.

Petitioner: Termikas, USA.

Section of 14 CFR Affected: 14 CFR 21.183(c).

Description of Relief Sought/Disposition: To permit Termikas to obtain a standard airworthiness certificate for each of its LET L–13 Blanik sailplanes without a certifying statement from the country of manufacture relating to the sailplanes' airworthiness.

Denial, 01/04/2002, Exempt No. 7688.

Docket No.: FAA–2001–11177 (previously Docket No. 29578).

Petitioner: Hawaiian Airlines.

Section of 14 CFR Affected: 14 CFR 121.433(c)(1)(iii), 121.441(a)(1) and (b)(1), and appendix F to part 121.

Description of Relief Sought/Disposition: To permit Hawaiian to establish an annual single-visit training program for its pilots and flight engineers and eventually transition to the advanced qualification program codified in Special Federal Aviation Regulation No. 58.

Grant, 01/08/2002, Exempt No. 7108A.

Docket No.: FAA–2001–8722.

Petitioner: SkyWest Airlines.

Section of 14 CFR Affected: 14 CFR 121.434(c)(1)(ii).

Description of Relief Sought/Disposition: To permit SkyWest to substitute a qualified and authorized check airman in place of the FAA inspector to observe a qualifying pilot in command who is completing initial or upgrade training specified in § 121.424 during at least one flight leg that includes a takeoff and a landing.

Grant, 01/09/2002, Exemption No. 7689.

[FR Doc. 02–2149 Filed 1–28–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2002–07]

Petitions for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of a certain petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before February 19, 2002.

ADDRESSES: Send comments on any petition to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2000–XXXX at the beginning of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to *http://dms.dot.gov.* You may review the public docket containing the petition, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office (telephone 1–800–647–5527) is on the plaza level of the NASSIF Building at the Department of Transportation at the

above address. Also, you may review public dockets on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Forest Rawls (202) 267–8033, Sandy Buchanan-Sumter (202) 267–7271, or Vanessa Wilkins (202) 267–8029, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91

Issued in Washington, DC, on January 24, 2002.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: FAA–2001–10291.

Petitioner: Mr. Craig D. Pieper.

Section of 14 CFR Affected: 14 CFR 107.31(2)(xxiii) and 108.33(2)(xxiii).

Description of Relief Sought: To permit Mr. Pieper to obtain a security clearance to maintain a position as an intern with Continental Airlines.

[FR Doc. 02–2150 Filed 1–28–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Participation in the Fiscal Year 2003 Intelligent Transportation Systems (ITS) Deployment Program

AGENCY: Federal Highway Administration (FHWA), U.S. DOT.

ACTION: Notice; request for preliminary applications.

SUMMARY: The FHWA is requesting preliminary applications from public/public or public/private partnerships to determine qualifications for participation in the Fiscal Year (FY) 2003 Intelligent Transportation Systems (ITS) Deployment Program. The focus of the FY 2003 ITS Deployment Program is to provide incentive monies for the deployment and/or integration of ITS to enhance the security of our surface transportation systems. Those preliminary applications that demonstrate an ability to meet the selection criteria will be considered for funding and will be asked to provide a more detailed technical proposal and financial plan prior to approval and the receipt of funds.

DATES: Preliminary applications to determine qualifications for participation in the ITS Deployment Program must be received before 4 p.m., e.t., Friday, April 1, 2002.

ADDRESSES: Preliminary applications to participate in either component of the ITS Deployment Program should be submitted directly to the FHWA, ITS Joint Program Office, HOIT, Department of Transportation, 400 Seventh St., SW., Room 3404, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: *For the ITS Integration Program:* Mr. Michael Freitas, FHWA, ITS Joint Program Office, (202) 366–9292; Mr. Ron Boenau, FTA, Office of Mobility Innovation, (202) 366–0195; Mr. Mark Kehrli, FHWA, Office of Travel Management, (202) 366–5465; or Ms. Gloria Hardiman-Tobin, FHWA, Office of Chief Counsel, (202) 366–0780, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

For the Commercial Vehicle ITS Deployment Program: Ms. Katherine Hartman, FHWA , ITS Joint Program Office, (202) 366–2742; Mr. Jeffrey Secrist, FMCSA, Office of Research and Technology, (202) 358–5658; or Ms. Gloria Hardiman-Tobin, FHWA, Office of Chief Counsel, (202) 366–0780, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the Office of the Federal Register's home page at *http://www.nara.gov/fedreg* and the Government Printing Office's Web page at *http://www.access.gpo.gov/nara.* The document may also be downloaded using a modem and suitable communications software from the U.S. DOT's ITS page at *http://www.its.dot.gov.*

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I. Background

The ITS Deployment Program was established by the Transportation Equity Act for the 21st Century (TEA–21)(Public Law 105–178, 112 Stat. 107, (1998)). The ITS Deployment Program described in sections 5001(a)(6) and (c)(4) of TEA–21 encompasses the ITS Integration Program and the Commercial Vehicle Intelligent Transportation System Infrastructure Deployment Program (Commercial Vehicle ITS Deployment Program). Section 5208 of the TEA–21 establishes the ITS Integration Program to accelerate the integration and interoperability of intelligent transportation systems in metropolitan and rural areas. Section 5209 of the TEA–21 establishes the Commercial Vehicle ITS Deployment Program to deploy intelligent transportation systems that improve the safety and productivity of commercial vehicles and drivers, and to reduce costs associated with commercial vehicle operations and Federal and State commercial vehicle regulatory requirements.

For FY 2003, the ITS Integration Program provides $85,000,000 in Federal ITS funding for the integration of multi-modal ITS components in metropolitan areas, rural areas, or in statewide, multi-State, or multi-city settings. In FY 2003, the Commercial Vehicle ITS Deployment Program provides $35,500,000 in Federal ITS funding to improve the safety and productivity of commercial vehicles and drivers, and reduce costs associated with commercial vehicle operation and regulatory requirements.

II. Purpose of the ITS Deployment Program

Section 5208 establishes the ITS Integration Program to accelerate the *integration* and *interoperability* of intelligent transportation systems in metropolitan and rural areas. (emphasis added)

Additionally, section 5208(a) states that projects selected for funding, through competitive solicitation, will serve as models to improve transportation efficiency, promote safety (including safe freight movement), increase traffic flow (including the flow of intermodal travel at ports of entry), reduce emissions of air pollutants, improve traveler information, enhance alternative transportation modes, build on existing intelligent transportation system projects, or promote tourism.

Section 5209 of the TEA–21 establishes the Commercial Vehicle ITS Deployment Program to improve the safety and productivity of commercial

motor vehicles and drivers; and reduce the costs associated with commercial vehicle operations and Federal and State commercial vehicle regulatory requirements.

According to section 5209(b), the purpose of the Commercial Vehicle ITS Deployment Program is to advance the technological capability and promote the development of intelligent transportation system applications to commercial vehicle operations, including commercial vehicle, commercial driver, and carrier-specific information systems.

III. Solicitation Intent

Recent events have focused attention on the need to ensure the security of our nation's transportation system. ITS technologies offer the opportunity to significantly improve transportation security in several ways. First, innovative surveillance technologies and applications offer the potential to monitor critical infrastructure elements. These critical elements include critical bridges and tunnels, key subway stations or multi-modal facilities, multi-modal freight facilities, and highway or transit operations centers. The technology monitoring may continuously determine the status of these elements, identify potential risks to these critical elements, and immediately report any changes in the status of these critical elements. Second, these same surveillance systems may be used to better monitor operations on the surface transportation systems to improve the ability to identify security related incidents and better locate those incidents and to assure safe operations during more routing operations. Third, ITS technologies may provide for improved coordinated responses to these same incidents through improved traffic management, traveler information, transit system management, and/or public safety coordination. Fourth, ITS technologies may ensure the secure operation of commercial motor vehicles, their drivers, and their cargo. Fifth, improved communication networks and systems may help to better identify high risk commercial vehicles or drivers.

For these reasons, the FHWA has determined that there is a critical need to focus the FY 2003 ITS Deployment Program on the application of ITS technologies that enhance the security of surface transportation systems. The objective is to provide incentive monies for the deployment and/or integration of ITS for the express purpose of enhancing the security of our surface transportation systems.

IV. Criteria for Participation in the ITS Deployment Program

Section 5208 of TEA–21 states that projects selected for ITS Integration Program funding shall:

1. Contribute to national deployment goals and objectives outlined in the National ITS Program Plan; (Note that a synopsis of the National ITS Program Plan can be downloaded from the ITS Electronic Document Library (EDL) at *http://www.its.dot.gov.* The EDL number is 3845.)

2. Demonstrate a strong commitment to cooperation among agencies, jurisdictions, and the private sector, as evidenced by signed memoranda of understanding (MOUs) that clearly define the responsibilities and relations of all parties to a partnership arrangement, including institutional relationships and financial agreements needed to support integrated deployment;

3. Encourage private sector involvement and financial commitment, to the maximum extent practicable, through innovative financial arrangements, especially public-private partnerships, including arrangements that generate revenue to offset public investment costs;

4. Demonstrate commitment to a comprehensive plan of fully integrated ITS deployment in accordance with the national ITS architecture and standards and protocols;

5. Be part of approved plans and programs developed under applicable statewide and metropolitan transportation planning processes and applicable State air quality implementation plans, as appropriate, at the time at which Federal ITS funds are sought;

6. Minimize the relative percentage and amount of Federal ITS funding to total project costs;

7. Ensure continued, long-term operations and maintenance without continued reliance on Federal ITS funding as evidenced by documented evidence of fiscal capacity and commitment from anticipated public and private sources;

8. Demonstrate technical capacity for effective operations and maintenance or commitment to acquiring necessary skills;

9. Mitigate any adverse impacts on bicycle and pedestrian transportation and safety;

10. In the case of a rural area, meet other safety, mobility, geographic and regional diversity, or economic development criteria; or

11. Encourage multi-state cooperation and corridor development.

Section 5209 of TEA–21 states that projects selected for Commercial Vehicle ITS Deployment Program funding shall:

1. Encourage multistate cooperation on corridor development;

2. Improve the safety of commercial vehicle operation and increase the efficiency of regulatory inspection processes to reduce administrative burdens by advancing technology to facilitate inspections and generally increase the effectiveness of enforcement efforts;

3. Advance electronic processing of registration information, driver licensing information, fuel tax information, inspection and crash data, and other safety information and promote communication of the information among the States; or

4. Enhance the safe passage of commercial vehicles across the United States and across international borders.

V. Limitations on Funding for the ITS Deployment Program

Federal funding authority for the ITS Deployment Program comes from section 5001(a)(6) of the TEA–21. The preliminary applications requested through this solicitation will be for funds that are anticipated to be appropriated for FY 2003. Requests for more detailed proposals from qualified applicants will depend on, and be shaped by, the availability of funds for this program in FY 2003.

Section 5208 of the TEA–21 requires that for metropolitan area ITS Integration Program projects, funding shall be used primarily for activities necessary to *integrate* ITS infrastructure elements that are either deployed (legacy systems) or will be deployed with other sources of funds. The purchase or construction of hardware is not considered an integration activity, and should utilize other sources of funds. For projects outside of metropolitan areas (i.e., statewide or rural areas), the TEA–21 states that funding may be used for integration purposes, as well as for limited deployment of ITS infrastructure components to support integration.

Section 5208 projects of various sizes are eligible. However, the TEA–21 directs that awards shall be limited to $15 million in a single metropolitan area, and $2 million in a single rural area. No more than $35 million shall be awarded within a State. Of the available funding, not less than 10 percent will be available for non-metropolitan areas.

Section 5209 of the TEA–21 does not limit the use of Commercial Vehicle ITS Deployment Program funding for integration versus deployment nor does

it limit the amount of funding that can be awarded to any region or State. The proposed project should support the goals of the Commercial Vehicle ITS Deployment Program, as outlined in section 5209.

VI. Federal Share of Project Costs

The Federal share of the cost of ITS Deployment Program projects shall not exceed 50 percent. Additionally, the total Federal share of the cost of a project payable from all eligible sources shall not exceed 80 percent. The remaining 20 percent of the project cost must be from non-federally derived funding sources. This 20 percent of the project cost must consist of either cash, substantial equipment contributions that are wholly utilized as an integral part of the project, or personnel services dedicated full-time to the proposed integrated deployment for a substantial period, as long as such personnel are not otherwise supported with Federal funds. The non-federally derived funding may come from State, local government, or private sector partners.

Funds provided in addition to the required 20 percent minimum may come from a variety of funding sources, and may include the value of federally-supported projects directly associated with the integration project. Note that funding identified to support continued operations, maintenance, and management of the system will *not* be considered as part of the partnership's cost-share contribution.

VII. Evaluation of Benefits

Independent Evaluations

The FHWA may conduct with non-project funds, independent evaluations of the benefits resulting from specific projects proposed for funding under the ITS Deployment Program. The decision to evaluate the benefits of a specific project will be made on a case-by-case basis, reflecting the information needs of the FHWA. Independent evaluations will be conducted in accordance with the guidelines, provisions, and evaluation funding levels as directed by the TEA–21 and as reflected in the *TEA–21 Evaluation Guidelines*, which can be found at the following Internet site, *http://www.its.dot.gov/EVAL/evalguidelines.html*. The application shall explicitly state that if selected for independent evaluations, the proposed project shall cooperate with the independent evaluators and participate in evaluation planning and progress review meetings to ensure a mutually acceptable, successful implementation of the independent evaluation.

Local Evaluations

To ensure sound management practice, each project shall perform a local evaluation funded from project or other resources. The application shall explicitly state that the proposed project will develop a Local Evaluation Report. The report shall include a general overall assessment of the project, other specific evaluation products, or activities as appropriate, and an executive summary.

VIII. Instructions to ITS Deployment Program Applicants

A preliminary application to participate in the ITS Deployment Program shall contain the following information:

1. An identification of the project partners and other key stakeholders in the proposed project. The proposed partnership should demonstrate, and provide evidence of, a strong commitment to cooperation among agencies, jurisdictions, and, as appropriate, the private sector. Partnerships that include a public safety agency (or agencies) and/or a transit agency (or agencies) are strongly encouraged. For the purposes of this application, MOUs or other formal partnership agreements are not required at this time, but copies of existing MOUs or other partnership agreements should be included with the preliminary application.

2. A very brief listing of existing and planned ITS deployments, and a short description of the project that is proposed for funding to support surface transportation security. The description should clearly identify and describe the security function(s) that will be provided and demonstrate a strong commitment to cooperation among agencies, jurisdictions, and as appropriate, the private sector, on both long-range ITS planning and investment decisions, and short-range operation and management issues. Project proposals should also discuss the degree to which long-term and or day-to-day safety of the surface transportation system will be enhanced, if any. Any other potential operational or other benefits of the proposed project should also be described.

Note: The FHWA has determined that deployment of Commercial Vehicle Information Systems and Networks (CVISN) in a State would enhance transportation security and therefore applications under section 5209 that propose to advance the deployment of CVISN will be considered.

3. For *each* of the TEA–21 selection criteria listed above in section IV, *Criteria for Participation in the ITS Deployment Program*, an assessment of how the proposed project addresses the criteria. Any criteria that are not applicable to the project should be so identified.

4. A brief financial summary that includes:

(a). Project cost;

(b). Matching funds and sources; and

(c). How long term operations and maintenance will be supported.

Preliminary applications to determine qualifications for participation in the ITS Deployment Program may be submitted by partnerships representing large or small metropolitan areas, regional areas, rural areas, statewide or multi-State regions. The proposed projects should meet documented local or State needs, focus on the integration of ITS technologies, and strengthen institutional ties across jurisdictions, modes, and operating agencies.

Because this is a preliminary application, we request that the package not exceed 15 pages in length, including the title page, tables, maps, appendices, abstracts, and other supporting materials. A page is defined as one side of an 8½ by 11 inch paper, with a type font no smaller than 12 point.

Ten copies, plus an electronic copy, in Microsoft Word format, shall be submitted to the FHWA, ITS Joint Program Office, HOIT, 400 Seventh St., SW., Room 3416, Washington, DC 20590. The cover sheet or front page of the preliminary application shall include the name, address, and phone number of an individual to whom correspondence and questions about the preliminary application package may be directed. The application and its contents shall be non-proprietary.

IX. Selection Criteria

Applicants must submit acceptable preliminary application packages that provide sound evidence that the proposed partnership can successfully meet the objectives of the ITS Deployment Program.

The following criteria, in order of importance, will be used in selecting areas for participation in the ITS Deployment Program.

1. Partnerships. The proposed partnership demonstrates and provides historic evidence of a strong commitment to cooperation among agencies, jurisdictions, and, as appropriate, the private sector.

2. Technical Approach. The Technical Approach must address how the proposed deployment and integration of intelligent transportation infrastructure elements into the region's transportation system will further the goal of transportation security. For applications under section 5208 of the TEA–21, the

ITS Integration Program, elements to be considered include: traffic management, transit management, incident management, emergency management services, and regional multi-modal traveler information services. For applications under section 5209 of the TEA–21, the Commercial Vehicle ITS Deployment Program, elements to be considered include: improvements of the safety and productivity of commercial vehicles and drivers, the reduction of costs associated with commercial vehicle operations, and Federal and State commercial vehicle regulatory requirements.

3. TEA–21 Criteria. The application must address how it meets each of the pertinent TEA–21 criteria listed above in section IV, *Criteria for Participation in the ITS Deployment Program.*

4. Financial Summary. The Financial Summary must demonstrate that sufficient funding, including the required matching funds, is available to successfully complete all aspects of the proposed deployment or integration as described in the Technical Plan. The Financial Summary must provide the financial information described under section VIII, *Instructions to Applicants.*

Those preliminary applications that demonstrate an ability to meet the criteria will be considered as potential candidates for funding in FY 2003. The number of applicants funded, if any, will depend on the availability of funding in FY 2003. A more detailed technical proposal and financial plan will be requested prior to approval and receipt of funds.

Authority: 23 U.S.C. 315, secs. 5001(a)(6) and (c)(4), 5208, and 5209, Pub. L. 105—178, 112 Stat. 107, at 419–421 and 458—461 (1998); and 49 CFR 1.48.

Issued on: January 22, 2002.

Mary E. Peters,

FHWA Administrator.

[FR Doc. 02–2091 Filed 1–28–02; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket NHTSA–99–5087]

Safety Performance Standards Program Meeting

AGENCY: National Highway Traffic Safety Administration (DOT)

ACTION: Notice of NHTSA rulemaking status meeting.

SUMMARY: This notice announces a public meeting at which NHTSA will answer questions from the public and the automobile industry regarding the agency's vehicle regulatory program.

DATES: The Agency's regular public meeting relating to its vehicle regulatory program will be held on Thursday, March 14, 2002, beginning at 9:45 a.m. and ending at approximately 12 p.m. at the Best Western Gateway International Hotel, 9191 Wickham, Romulus, Michigan. Questions relating to the vehicle regulatory program must be submitted in writing with a diskette (Microsoft Word) by Wednesday, February 20, 2002, to the address shown below or by e-mail. If sufficient time is available, questions received after February 20, may be answered at the meeting. The individual, group or company submitting a questions(s) does not have to be present for the questions(s) to be answered. A consolidated list of the questions submitted by February 20, 2002, and the issues to be discussed, will be posted on NHTSA's web site *www.nhtsa.dot.gov*) by Monday, March 11, 2002, and also will be available at the meeting. The agency will hold a second public meeting on March 14, devoted exclusively to a presentation of research and development programs. This meeting will begin at 1:30 p.m. and end at approximately 5 p.m. This meeting is described more fully in a separate announcement. The next NHTSA Public Meeting will take place in the Washington, DC metropolitan area on Thursday, July 18, 2002.

ADDRESSES: Questions for the March 14, NHTSA Rulemaking Status Meeting, relating to the agency's vehicle regulatory program, should be submitted to Delia Lopez, NPS–01, National Highway Traffic Safety Administration, Room 5401, 400 Seventh Street, SW., Washington, DC 20590, Fax Number 202–366–4329, E-mail *dlopez@nhtsa.dot.gov*. The meeting will be held at the Best Western Gateway International Hotel, 9191 Wickham, Romulus, Michigan. The telephone number for the Gateway International Hotel is 734–728–2800.

FOR FURTHER INFORMATION CONTACT: Delia Lopez, (202) 366–1810.

SUPPLEMENTARY INFORMATION: NHTSA holds regular public meetings to answer questions from the public and the regulated industries regarding the agency's vehicle regulatory program. Questions on aspects of the agency's research and development activities that relate directly to ongoing regulatory actions should be submitted, as in the past, to the agency's Safety Performance Standards Office. Transcripts of these meetings will be available for public inspection in the DOT Docket in Washington, DC, within four weeks after the meeting. Copies of the transcript will then be available at ten cents a page, (length has varied from 80 to 150 pages) upon request to DOT Docket, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. The DOT Docket is open to the public from 10 a.m. to 5 p.m. The transcript may also be accessed electronically at *http://dms.dot.gov*, at docket NHTSA–99–5087. Questions to be answered at the public meeting should be organized by categories to help us process the questions into an agenda form more efficiently.

Sample format:

I. RULEMAKING
  A. Crash avoidance
  B. Crashworthiness
  C. Other Rulemakings
II. CONSUMER INFORMATION
III. MISCELLANEOUS

NHTSA will provide auxiliary aids to participants as necessary. Any person desiring assistance of ''auxiliary aids'' (e.g., sign-language interpreter, telecommunications devices for deaf persons (TDDs), readers, taped texts, brailled materials, or large print materials and/or a magnifying device), please contact Delia Lopez on (202) 366–1810, by COB Monday, March 11, 2002.

Issued: January 23, 2002.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 02–2083 Filed 1–28–02; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34162]

Delaware-Lackawanna Railroad Co., Inc.—Change in Operators Exemption—Lackawanna County Railroad Authority

Delaware-Lackawanna Railroad Co., Inc. (D–L), a Class III rail carrier,[1] has

[1] According to D–L, it presently operates a 58-mile line of railroad between Fell Township and Mount Pocono, PA; a 17-mile line of railroad between Mount Pocono and Analomink, PA; the Diamond Branch of the former Delaware, Lackawanna & Western Railroad (DL&W) extending 0.85 miles from MP 144.75 to MP 145.6 in Scranton, Lackawanna County, PA; the Laurel Line of the former DL&W extending 4.11 miles from LC 6253 MP 0.7 to MP 4.81 at Montage Road in the Borough of Moosic, Lackawanna County, PA; and 10 miles of rail line between MP 2.0, approximately old MP 74.4 (Slate) and MP 12.2, approximately old MP 84.6 (Gravel) in Monroe and Northampton Counties, PA.

filed a verified notice of exemption under 49 CFR 1150.41 to operate 1.5 miles of rail line to be acquired by Lackawanna County Railroad Authority (LCRA). The line, known as the Minooka Industrial Track, has been operated by Luzerne and Susquehanna Railway Company (L&S), and extends from Little Virginia Junction to the Davis Street Crossing.

This transaction is related to a simultaneously filed verified notice of exemption in STB Finance Docket No. 34161, *Lackawanna County Railroad Authority—Acquisition Exemption—Scranton Lackawanna Industrial Building Company,* wherein LCRA seeks to acquire the involved line.

The parties reported that they intended to consummate the transaction on or about January 10, 2002.[2]

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34162, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Keith G. O'Brien, REA, CROSS & AUCHINCLOSS, 1707 L Street, NW., Suite 570, Washington, DC 20036.

Board decisions and notices are available on our Web site at *www.stb.dot.gov.*

Decided: January 22, 2002.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 02–2038 Filed 1–28–02; 8:45 am]

BILLING CODE 4915–00–P

[2] D–L states that, upon consummation, L&S, the current operator of the line, will cease all operations on the line and that shippers on the line have been notified of the change in operator.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34161]

Lackawanna County Railroad Authority—Acquisition Exemption—Scranton Lackawanna Industrial Building Company

Lackawanna County Railroad Authority (LCRA), a political subdivision and nonoperating Class III rail carrier,[1] has filed a verified notice of exemption under 49 CFR 1150.41 to acquire 1.5 miles of track in Lackawanna County, PA, from Scranton Lackawanna Industrial Building Company.[2] The line, known as the Minooka Industrial Track, extends from Little Virginia Junction to the Davis Street Crossing.

This transaction is related to a simultaneously filed verified notice of exemption in STB Finance Docket No. 34162, *Delaware-Lackawanna Railroad Co., Inc.—Change in Operators Exemption—Lackawanna County Railroad Authority.*

The parties reported that they intended to consummate the transaction on or about January 10, 2002.

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34161, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Keith G. O'Brien, REA, CROSS & AUCHINCLOSS, 1707 L Street, NW., Suite 570, Washington, DC 20036.

Board decisions and notices are available on our Web site at www.stb.dot.gov.

Decided: January 22, 2002.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 02–2037 Filed 1–28–02; 8:45 am]

BILLING CODE 4915–00–P

[1] According to LCRA, it currently owns a 58-mile line of railroad between Fell Township and Mount Pocono, PA; the Diamond Branch of the former Delaware, Lackawanna & Western Railroad (DL&W) extending 0.85 miles from MP 144.75 to MP 145.6 in Scranton, Lackawanna County, PA; and the Laurel Line of the former DL&W extending 4.11 miles from LC 6253 MP 0.7 to MP 4.81 at Montage Road in the Borough of Moosic, Lackawanna County, PA.

[2] As indicated in the verified notice of exemption, the operator of the line at the time of the filing of the notice was Luzerne and Susquehanna Railway Company (L&S) pursuant to a license agreement scheduled to expire on January 10, 2002. Upon expiration of that license, L&S will discontinue its operations and will be replaced by Delaware-Lackawanna Railroad Co., Inc. (D–L).

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

January 18, 2002.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before February 28, 2002, to be assured of consideration.

Bureau of the Public Debt (PD)

OMB Number: New.

Form Number: PD F 5441.

Type of Review: New collection.

Title: U.S. Treasury Auctions Submitter Agreement.

Description: PD F 5441 is used to request information from entities wishing to participate in U.S. Treasury Securities Auctions via TAPPSLink.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 1,000.

Estimated Burden Hours Per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden Hours: 80 hours.

Clearance Officer: Vicki S. Thorpe (304) 480–6553, Bureau of the Public Debt, 200 Third Street, Parkersburg, West VA 26106–1328

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503

Mary A. Able,

Departmental Reports Management Officer.

[FR Doc. 02–2132 Filed 1–28–02; 8:45 am]

BILLING CODE 4810–40–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms 1042, 1042–S, and 1042–T

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 1042, Annual Withholding Tax Return for U.S. Source Income of Foreign Persons, Form 1042–S, Foreign Person's U.S. Source Income Subject to Withholding, and Form 1042–T, Annual Summary and Transmittal of Forms 1042–S.

DATES: Written comments should be received on or before April 1, 2002 to be assured of consideration.

ADDRESSES: Direct all written comments to George Freeland, Internal Revenue Service, room 5577, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622–3945, or through the internet (*CAROL.A.SAVAGE@irs.gov.),* Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Form 1042, Annual Withholding Tax Return for U.S. Source Income of Foreign Persons, Form 1042–S, Foreign Person's U.S. Source Income Subject to Withholding, and Form 1042–T, Annual Summary and Transmittal of Forms 1042–T.

OMB Number: 1545–0096.

Form Numbers: 1042, 1042–S, and 1042–T.

Abstract: Form 1042 is used by withholding agents to report tax withheld at source on payment of certain income paid to nonresident alien individuals, foreign partnerships, or foreign corporations. The IRS uses this information to verify that the correct amount of tax has been withheld and paid to the United States. Form 1042–S is used to report certain income and tax withheld information to nonresident alien payees and beneficial owners. Form 1042–T is used by withholding agents to transmit Forms 1042–S to the IRS.

Current Actions: There are no changes being made to these forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for profit organizations and individuals or households.

Estimated Number of Respondents: 22,000.

Estimated Time Per Respondent: 46 hours., 52 minutes.

Estimated Total Annual Burden Hours: 1,030,980.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 22, 2002.

George Freeland,

IRS Reports Clearance Officer.

[FR Doc. 02–2156 Filed 1–28–02; 8:45 am]

BILLING CODE 4830–01–P

Corrections

Federal Register

Vol. 67, No. 19

Tuesday, January 29, 2002

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent to Prepare a Draft Environmental Impact Statement for the Environmental Restoration of Areas Adjacent to Arlington and Garrows Bend Channels, Mobile Harbor Federal Navigation Project in Mobile County, Alabama

Correction

In notice document 02–1649 beginning on page 3169 in the issue of Wednesday, January 23, 2002 make the following correction:

On page 3170, in the second column, in the first paragraph, in the sixth line, the phrase ''Federal 2002'' is corrected to read ''February 2002''.

[FR Doc. C2–1649 Filed 1–28–02; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF EDUCATION

34 CFR Part 75

RIN 1890–AA02

Direct Grant Programs

Correction

In rule document 01–29726 beginning on page 60136 in the issue of Friday, November 30, 2001, make the following corrections:

PART 75—DIRECT GRANT PROGRAMS

1. On page 60138, in the first column, the part heading is corrected to read as set forth above.

§75.225 [Corrected]

2. On the same page, in the third column, in §75.225(a)(2),, in the third line ''§§75.127–129'' should read ''§§75.127–75.129''

[FR Doc. C1–29726 Filed 1–28–02; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3430 and 3470

[WO–320–1430–PB–24 1A]

RIN 1004–AD43

Coal Management: Noncompetitive Leases; Coal Management Provisions and Limitations

Correction

In proposed rule document 02–1339 beginning on page 2618 in the issue of Friday, January 18, 2002, make the following corrections:

On page 2622, in the third column, at the bottom of the page, ''**PART 3470–COAL MANAGEMENT PROVISIONS AND LIMITATIONS**'' is corrected to read as follows:

''PART 3470–COAL MANAGEMENT PROVISIONS AND LIMITATIONS

3. The authority citation for part 3470 continues to read as follows:

Authority: 30 U.S.C. 189 and 359 and 43 U.S.C. 1733 and 1740.

Subpart 3472--Lease Qualification Requirements

4. Amend § 3472.1-3 by--

a. removing from paragraph (a)(1) the terms ''46,080 acres''and ''100,000 acres'', and adding in their place the terms ''75,000 acres'' and ''150,000 acres'', respectively; and

b. removing from the second sentence of paragraph (a)(2) the term ''100,000 acres'' and adding in its place the term ''150,000 acres.''

[FR Doc. C2–1339 Filed 1–28–02; 8:45 am]

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45274; File No. SR–NYSE–2002–04]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the New York Stock Exchange, Inc. to Reset the Implementation Date for Exchange Rules 134, 407A, and 411, Relating to Error Accounts and Error Accounts Procedures

Correction

In notice document 02–1354 beginning on page 2719 in the issue of Friday, January 18, 2002, make the following correction:

On page 2719, the heading is corrected to read as set forth above.

[FR Doc. C2–1354 Filed 1–28–02; 8:45 am]

BILLING CODE 1505–01–D

Corrections

Federal Register

Vol. 67, No. 19

Tuesday, January 29, 2002

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DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent to Prepare a Draft Environmental Impact Statement for the Environmental Restoration of Areas Adjacent to Arlington and Garrows Bend Channels, Mobile Harbor Federal Navigation Project in Mobile County, Alabama

Correction

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[FR Doc. C2–1649 Filed 1–28–02; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF EDUCATION

34 CFR Part 75

RIN 1890–AA02

Direct Grant Programs

Correction

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PART 75—DIRECT GRANT PROGRAMS

1. On page 60138, in the first column, the part heading is corrected to read as set forth above.

§75.225 [Corrected]

2. On the same page, in the third column, in §75.225(a)(2),, in the third line ''§§75.127–129'' should read ''§§75.127–75.129''

[FR Doc. C1–29726 Filed 1–28–02; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3430 and 3470

[WO–320–1430–PB–24 1A]

RIN 1004–AD43

Coal Management: Noncompetitive Leases; Coal Management Provisions and Limitations

Correction

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On page 2622, in the third column, at the bottom of the page, ''**PART 3470–COAL MANAGEMENT PROVISIONS AND LIMITATIONS**'' is corrected to read as follows:

''PART 3470–COAL MANAGEMENT PROVISIONS AND LIMITATIONS

3. The authority citation for part 3470 continues to read as follows:

Authority: 30 U.S.C. 189 and 359 and 43 U.S.C. 1733 and 1740.

Subpart 3472--Lease Qualification Requirements

4. Amend § 3472.1-3 by--

a. removing from paragraph (a)(1) the terms ''46,080 acres''and ''100,000 acres'', and adding in their place the terms ''75,000 acres'' and ''150,000 acres'', respectively; and

b. removing from the second sentence of paragraph (a)(2) the term ''100,000 acres'' and adding in its place the term ''150,000 acres.''

[FR Doc. C2–1339 Filed 1–28–02; 8:45 am]

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45274; File No. SR–NYSE–2002–04]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the New York Stock Exchange, Inc. to Reset the Implementation Date for Exchange Rules 134, 407A, and 411, Relating to Error Accounts and Error Accounts Procedures

Correction

In notice document 02–1354 beginning on page 2719 in the issue of Friday, January 18, 2002, make the following correction:

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[FR Doc. C2–1354 Filed 1–28–02; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Tuesday,
January 29, 2002

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Part 25

Revised Requirement for Material Strength Properties and Design Values for Transport Airplanes and Notice of Proposed Advisory Circular (AC) 25.613–1X; Proposed Rule and Notice

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2002–11345; Notice No. 02–05]

RIN 2120–AH36

Revised Requirement for Material Strength Properties and Design Values for Transport Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The Federal Aviation Administration proposes to revise the material strength properties and material design values requirement for transport category airplanes by incorporating changes developed in cooperation with the Joint Aviation Authorities of Europe and the U.S. and European aviation industry through the Aviation Rulemaking Advisory Committee (ARAC). This action is necessary because differences between the current U.S. and European requirements impose unnecessary costs on airplane manufacturers. These proposals are intended to achieve common requirements and language between the requirements of the U.S. regulations and the Joint Aviation Requirements (JAR) of Europe, while maintaining at least the level of safety provided by the current regulations and industry practice.

DATES: Send your comments on or before April 1, 2002.

ADDRESSES: Address your comments to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street SW., Washington, DC 20590–0001. You must identify the docket number, FAA–2002–11345 at the beginning of your comments, and you should submit two copies of your comments. If you wish to receive confirmation that the FAA has received your comments, please include a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2002–XXXX.'' We will date-stamp the postcard and mail it back to you.

You also may submit comments electronically to the following Internet address: *http://dms.dot.gov.* You may review the public docket containing comments to these proposed regulations in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Dockets Office is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Rich Yarges, Airframe/Cabin Safety Branch, ANM–115, FAA Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue, SW., Renton, WA 98055–4056; telephone (425) 227–2143, facsimile (425) 227–1320, e-mail *rich.yarges@faa.gov.*

SUPPLEMENTARY INFORMATION:

How Do I Submit Comments to This NPRM?

Interested persons are invited to participate in the making of the proposed action by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, federalism, or economic impact that might result from adopting the proposals in this document also are invited. Substantive comments should be accompanied by cost estimates. Comments must identify the regulatory docket or notice number and be submitted in duplicate to the DOT Rules Docket address specified above.

All comments received, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking, will be filed in the docket. The docket is available for public inspection before and after the comment closing date.

We will consider all comments received on or before the closing date before taking action on this proposed rulemaking. Comments filed late will be considered as far as possible without incurring expense or delay. The proposals in this document may be changed in light of the comments received.

How Can I Obtain a Copy of This NPRM?

You can get an electronic copy using the Internet by taking the following steps:

(1) Go to the search function of the Department of Transportation's electronic Docket Management System (DMS) web page (*http://dms.dot.gov/search*).

(2) On the search page type in the last four digits of the Docket number shown at the beginning of this notice. Click on ''search.''

(3) On the next page, which contains the Docket summary information for the Docket you selected, click on the document number of the item you wish to view.

You can also get an electronic copy using the Internet through the Office of Rulemaking's web page at *http://www.faa.gov/avr/armhome.htm* or the Government Printing Office's web page at *http://www.access.gpo.gov/su_docs/aces/aces140.html.*

You can also get a copy by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267–9680. Make sure to identify the docket number, notice number, or amendment number of this rulemaking.

What Are the Relevant Airworthiness Standards in the United States?

In the United States, the airworthiness standards for type certification of transport category airplanes are contained in Title 14, Code of Federal Regulations (CFR) part 25. Manufacturers of transport category airplanes must show that each airplane they produce of a different type design complies with the appropriate part 25 standards. These standards apply to:

- Airplanes manufactured within the U.S. for use by U.S.-registered operators, and
- Airplanes manufactured in other countries and imported to the U.S. under a bilateral airworthiness agreement.

What Are the Relevant Airworthiness Standards in Europe?

In Europe, the airworthiness standards for type certification of transport category airplanes are contained in Joint Aviation Requirements (JAR)–25, which are based on part 25. These were developed by the Joint Aviation Authorities (JAA) of Europe to provide a common set of airworthiness standards within the European aviation community. Twenty-three European countries accept airplanes type certificated to the JAR–25 standards, including airplanes manufactured in the U.S. that are type certificated to JAR–25 standards for export to Europe.

What Is ''Harmonization'' and How Did It Start?

Although part 25 and JAR–25 are very similar, they are not identical in every respect. When airplanes are type certificated to both sets of standards, the differences between part 25 and JAR–25 can result in substantial additional costs to manufacturers and operators. These additional costs, however, frequently do not bring about an increase in safety. In many cases, part 25 and JAR–25 may contain different requirements to accomplish the same safety intent.

Consequently, manufacturers are usually burdened with meeting the requirements of both sets of standards, although the level of safety is not increased correspondingly.

Recognizing that a common set of standards would not only benefit the aviation industry economically, but also maintain the necessary high level of safety, the FAA and the JAA began an effort in 1988 to ''harmonize'' their respective aviation standards. The goal of the harmonization effort is to ensure that:

- Where possible, standards do not require domestic and foreign parties to manufacture or operate to different standards for each country involved; and
- The standards adopted are mutually acceptable to the FAA and the foreign aviation authorities.

The FAA and JAA have identified a number of significant regulatory differences (SRD) between the wording of part 25 and JAR–25. Both the FAA and the JAA consider ''harmonization'' of the two sets of standards a high priority.

What Is ARAC and What Role Does It Play in Harmonization?

After initiating the first steps towards harmonization, the FAA and JAA soon realized that traditional methods of rulemaking and accommodating different administrative procedures was neither sufficient nor adequate to make appreciable progress towards fulfilling the goal of harmonization. The FAA then identified the Aviation Rulemaking Advisory Committee (ARAC) as an ideal vehicle for assisting in resolving harmonization issues, and, in 1992, the FAA tasked ARAC to undertake the entire harmonization effort.

The FAA had formally established ARAC in 1991 (56 FR 2190, January 22, 1991), to provide advice and recommendations concerning the full range of the FAA's safety-related rulemaking activity. The FAA sought this advice to develop better rules in less overall time and using fewer FAA resources than previously needed. The committee provides the FAA firsthand information and insight from interested parties regarding potential new rules or revisions of existing rules.

There are 64 member organizations on the committee, representing a wide range of interests within the aviation community. Meetings of the committee are open to the public, except as authorized by section 10(d) of the Federal Advisory Committee Act.

The ARAC establishes working groups to develop recommendations for resolving specific airworthiness issues. Tasks assigned to working groups are published in the **Federal Register**. Although working group meetings are not generally open to the public, the FAA solicits participation in working groups from interested members of the public who possess knowledge or experience in the task areas. Working groups report directly to the ARAC, and the ARAC must accept a working group proposal before ARAC presents the proposal to the FAA as an advisory committee recommendation.

The activities of the ARAC will not, however, circumvent the public rulemaking procedures; nor is the FAA limited to the rule language ''recommended'' by ARAC. If the FAA accepts an ARAC recommendation, the agency proceeds with the normal public rulemaking procedures. Any ARAC participation in a rulemaking package is fully disclosed in the public docket.

What Is the Status of the Harmonization Effort Today?

Despite the work that ARAC has undertaken to address harmonization, there remain a large number of regulatory differences between part 25 and JAR–25. The current harmonization process is extremely costly and time-consuming for industry, the FAA, and the JAA. Industry has expressed a strong desire to conclude the harmonization program as quickly as possible to alleviate the drain on their resources and to finally establish one acceptable set of standards.

Recently, representatives of the aviation industry [including Aerospace Industries Association of America, Inc. (AIA), General Aviation Manufacturers Association (GAMA), and European Association of Aerospace Industries (AECMA)] proposed an accelerated process to reach harmonization.

What Is the ''Fast Track Harmonization Program''?

In light of a general agreement among the affected industries and authorities to expedite the harmonization program, the FAA and JAA in March 1999 agreed upon a method to achieve these goals. This method, which the FAA has titled ''The Fast Track Harmonization Program,'' is aimed at expediting the rulemaking process for harmonizing not only the 42 standards that are currently tasked to ARAC for harmonization, but approximately 80 additional standards for part 25 airplanes.

The FAA initiated the Fast Track program on November 26, 1999 (64 FR 66522). This program involves grouping all of the standards needing harmonization into three categories:

Category 1: Envelope—For these standards, parallel part 25 and JAR–25 standards would be compared, and harmonization would be reached by accepting the more stringent of the two standards. Thus, the more stringent requirement of one standard would be ''enveloped'' into the other standard. In some cases, it may be necessary to incorporate parts of both the part 25 and JAR standard to achieve the final, more stringent standard. (This may necessitate that each authority revises its current standard to incorporate more stringent provisions of the other.)

Category 2: Completed or near complete—For these standards, ARAC has reached, or has nearly reached, technical agreement or consensus on the new wording of the proposed harmonized standards.

Category 3: Harmonize—For these standards, ARAC is not near technical agreement on harmonization, and the parallel part 25 and JAR–25 standards cannot be ''enveloped'' (as described under Category 1) for reasons of safety or unacceptability. A standard developed under Category 3 would be mutually acceptable to the FAA and JAA, with a consistent means of compliance.

Further details on the Fast Track Program can be found in the tasking statement (64 FR 66522, November 26, 1999) and the first NPRM published under this program, Fire Protection Requirements for Powerplant Installations on Transport Category Airplanes (65 FR 36978, June 12, 2000).

By notice in the **Federal Register** (60 FR 4222, January 20, 1995), the FAA tasked an ARAC working group of industry and government structural specialists from Europe, the United States, and Canada to review § 25.613 of part 25, along with corresponding paragraph 25.613 of the JAR, and supporting policy and guidance material, and to recommend to the FAA appropriate revisions for harmonization, including advisory material. The ARAC working group completed its work on that task and submitted its recommendation to the FAA. That effort was then absorbed under the Fast Track program when it was established in 1999. The regulatory changes proposed in this notice result from the recommendation of ARAC.

Discussion of the Proposal

Section 25.613 of part 25 prescribes requirements for material static strength properties and design values. Metallic material strength properties for aircraft manufactured in the U.S. have traditionally been based on those specified in Military Handbook (MIL–

HDBK)–5. For metallic materials not listed in that handbook, the statistical procedures in the handbook were normally used to determine material strength properties. Prior to Amendment 25–72 to part 25 (55 FR 29786, July 20, 1990), the ''A'' or ''B'' material strength properties listed in MIL–HDBK–5, or those listed in MIL–HDBK–17, and –23, or Army-Navy-Commerce (ANC)–18, were required to be used unless specific FAA approval was granted to use other properties. With Amendment 25–72, §§ 25.613 and 25.615 were combined into one requirement, § 25.613, and the references to MIL–HDBK–5, –17, –23, and ANC–18 were removed. As part of that amendment, the requirement to use ''A'' and ''B'' properties of the military handbook was replaced by a more general requirement specifying probabilities and confidence levels for material strength properties, with the test procedures and statistical methods unspecified. Those probability and confidence levels apply to metallic as well as non-metallic materials. In Europe, other standards have been used in showing compliance with JAR 25.613, such as the Euronorm, International Standard Organization, and Engineering Sciences Data Unit 00932 Metallic Data Handbook.

Because Amendment 25–72 removed the provision which permitted the Administrator to approve ''other design values,'' such an approval requires an equivalent safety finding. This finding results in additional administrative time for both the manufacturer and the FAA. To reduce this administrative burden, the FAA proposes to revise the rule to reinstate the pre-amendment 25–72 provision. In addition, other changes of a clarifying nature are proposed.

Proposed Changes

This proposal would revise § 25.613 as follows:

- The heading of § 25.613 would be revised to read, ''Material Strength Properties and Material Design Values.'' This change would clarify that the design values are material design values.
- Paragraph (a) would remain unchanged.
- Paragraph (b) would be revised to clarify that the design values are material design values. The ''A'' and ''B'' properties published in MIL–HDBK–5 and –17, or in equivalent handbooks, would be acceptable without further statistical analysis. The statistical methods specified in MIL-HDBK–5 and –17 would be acceptable for use in establishing material design values. Other statistical methods, amounts of data, and material property data might also be acceptable, including those specified in the European Standards previously noted.
- Paragraph (c) currently requires consideration of the effects of temperature on allowable stresses used for design where thermal effects are significant under normal operating conditions. The proposed revision would require consideration of environmental conditions in general, such as temperature and moisture, on material design values used in an essential component or structure, where those effects are significant in the airplane operating envelope. This change is made because environmental factors other than temperature may have a significant effect on allowable stresses, not only under normal operating conditions, but also at other conditions within the airplane operating envelope.
- Paragraph (d) would be removed by this proposal as fatigue is now adequately addressed in § 25.571.
- The premium selection process of paragraph (e) would be revised to clarify that the design values are material design values.
- A new paragraph (f) is proposed, which would permit the use of other design values if they are approved by the Administrator.

A draft Advisory Circular, AC 25.613–1X, Material Strength Properties and Material Design Values, which describes acceptable methods of compliance with this proposed rule, is being developed concurrently with this proposal. Public comments concerning the proposed AC are invited by separate notice published elsewhere in this issue of the **Federal Register**.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the FAA has determined that there are no requirements for information collection associated with this proposed rule.

International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to comply with International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has determined that there are no ICAO Standards and Recommended Practices that correspond to these proposed regulations.

Regulatory Evaluation Summary

Proposed changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs each Federal agency to propose or adopt a regulation only if the agency makes a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (19 U.S.C. section 2531–2533) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, this Trade Act requires agencies to consider international standards. Where appropriate, agencies are directed to use those international standards as the basis of U.S. standards. And fourth, the Unfunded Mandates Reform Act of 1995 requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules. This requirement applies only to rules that include a Federal mandate on State, local, or tribal governments or the private sector, likely to result in a total expenditure of $100 million or more in any one year (adjusted for inflation.)

In conducting these analyses, the FAA has determined this proposed rule: (1) Has benefits which do justify its costs, is not a ''significant regulatory action'' as defined in the Executive Order, and is not ''significant'' as defined in DOT's Regulatory Policies and Procedures; (2) would not have a significant impact on a substantial number of small entities; (3) would not have an negative impact on international trade; and (4) would not impose an unfunded mandate on state, local, or tribal governments, or on the private sector. The FAA has placed these analyses in the docket and summarized them below.

The proposed rule would incorporate changes developed in cooperation with the Joint Aviation Authorities (JAA) of Europe and the U.S. and European aviation industry through the Aviation Rulemaking Advisory Committee (ARAC). If adopted, the proposed amendment would revise the requirements for material strength properties and material design values for transport category airplanes. Furthermore, the proposal would harmonize FAA requirements with those proposed by the JAA.

There would be no incremental costs as a result of the proposed rule. Rather, the proposed rule would result in cost savings to manufacturers and the FAA by reinstating a provision that permits the Administrator to approve other material design values published in accepted military and industry handbooks. A draft Advisory Circular

(AC) accompanies this proposed rule and describes the acceptable methods of compliance. As a result, in certain material design values cases, the FAA estimates that the proposed rule would result in cost savings to manufacturers of transport category airplanes of at least $100,000 per initial aircraft certification. In addition, the FAA would realize an estimated administrative cost saving of approximately $1,460 per certification. Finally, by harmonizing JAA and FAA requirements, the proposed rule would create a single set of requirements accepted in both the United States and Europe. This action would foster international trade and make the aircraft certification process more efficient. Accordingly, the FAA has determined that the proposed rule would be cost-beneficial. The FAA solicits comments from affected entities with respect to this finding and determination and requests that all comments be accompanied by clear documentation.

Initial Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the business, organizations, and governmental jurisdictions subject to regulation.'' To achieve that principle, the Act requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions. The Act covers a wide-range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the determination is that it will, the agency must prepare a regulatory flexibility analysis as described in the Act.

However, if an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the 1980 act provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

This proposed rule would affect manufacturers of transport category airplanes. However, all United States transport-aircraft category manufacturers exceed the Small Business Administration (SBA) small-entity standard of 1,500 employees for aircraft manufacturers. United States part 25 airplane manufacturers include: Boeing, Cessna Aircraft, Gulfstream Aerospace, Learjet (owned by Bombardier), Lockheed Martin, McDonnell Douglas (a wholly-owned subsidiary of The Boeing Company), Raytheon Aircraft, and Sabreliner Corporation. Consequently, the Federal Aviation Administration certifies that the proposed rule would not have a significant economic impact on a substantial number of small entities. The FAA solicits comments from affected entities with respect to this finding and determination and requests that all comments be accompanied by clear documentation.

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The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. In accordance with the above statute, the FAA has assessed the potential effect of this proposed rule and has determined that it complies with the Act because this rule would use European international standards as the basis for U.S. standards.

Unfunded Mandates Assessment

The Unfunded Mandates Reform Act of 1995 (the Act), enacted as Public Law 104–4 on March 22, 1995, is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and tribal governments.

Title II of the Act requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in a $100 million or more expenditure (adjusted annually for inflation) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.''

This proposed rule does not contain such a mandate. Therefore, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply.

Executive Order 13132, Federalism

The FAA has analyzed this proposed rule and the principles and criteria of Executive Order 13132, Federalism. The FAA has determined that this action would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, the FAA has determined that this notice of proposed rulemaking would not have federalism implications.

Environmental Analysis

FAA Order 1050.1D defines FAA actions that may be categorically excluded from preparation of a National Environmental Policy Act (NEPA) environmental assessment or environmental impact statement. In accordance with FAA Order 1050.1D, appendix 4, paragraph 4(j), this proposed rulemaking action qualifies for a categorical exclusion.

Energy Impact

The energy impact of the proposed rule has been assessed in accordance with the Energy, Policy, and Conservation Act (EPCA), Public Law 94–163, as amended (43 U.S.C. 6362), and FAA Order 1053.1. It has been determined that the proposed rule is not a major regulatory action under the provisions of the EPCA.

Regulations Affecting Interstate Aviation in Alaska

Section 1205 of the FAA Reauthorization Act of 1996 (110 Stat. 3213) requires the Administrator, when modifying regulations in title 14 of the CFR in a manner affecting interstate aviation in Alaska, to consider the extent to which Alaska is not served by transportation modes other than aviation, and to establish such regulatory distinctions as he or she considers appropriate. Because this proposed rule would apply to the certification of future designs of transport category airplanes and their subsequent operation, it could, if adopted, affect interstate aviation in Alaska. The FAA therefore specifically requests comments on whether there is justification for applying the proposed rule differently in interstate operations in Alaska.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend part 25 of Title 14, Code of Federal Regulations, as follows:

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

1. The authority citation for part 25 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44702, and 44704.

2. Amend § 25.613 by revising the section heading and paragraphs (b) introductory text, (c), and (e); by removing and reserving paragraph (d); and by adding a new paragraph (f) to read as follows:

§ 25.613 Material strength properties and material design values

* * * * *

(b) Material design values must be chosen to minimize the probability of structural failures due to material variability. Except as provided in paragraphs (e) and (f) of this section, compliance must be shown by selecting material design values which assure material strength with the following probability:

* * * * *

(c) The effects of environmental conditions, such as temperature and moisture, on material design values used in an essential component or structure must be considered where these effects are significant within the airplane operating envelope.

(d) [Reserved]

(e) Greater material design values may be used if a ‘‘ premium selection ‘‘ of the material is made in which a specimen of each individual item is tested before use to determine that the actual strength properties of that particular item will equal or exceed those used in design.

(f) Other material design values may be used if approved by the Administrator.

Issued in Renton, Washington, on January 8, 2002.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–1767 Filed 1–28–02; 8:45 am]

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Federal Register

Tuesday,
January 29, 2002

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Part 25

Revised Requirement for Material Strength Properties and Design Values for Transport Airplanes and Notice of Proposed Advisory Circular (AC) 25.613–1X; Proposed Rule and Notice

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2002–11345; Notice No. 02–05]

RIN 2120–AH36

Revised Requirement for Material Strength Properties and Design Values for Transport Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The Federal Aviation Administration proposes to revise the material strength properties and material design values requirement for transport category airplanes by incorporating changes developed in cooperation with the Joint Aviation Authorities of Europe and the U.S. and European aviation industry through the Aviation Rulemaking Advisory Committee (ARAC). This action is necessary because differences between the current U.S. and European requirements impose unnecessary costs on airplane manufacturers. These proposals are intended to achieve common requirements and language between the requirements of the U.S. regulations and the Joint Aviation Requirements (JAR) of Europe, while maintaining at least the level of safety provided by the current regulations and industry practice.

DATES: Send your comments on or before April 1, 2002.

ADDRESSES: Address your comments to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street SW., Washington, DC 20590–0001. You must identify the docket number, FAA–2002–11345 at the beginning of your comments, and you should submit two copies of your comments. If you wish to receive confirmation that the FAA has received your comments, please include a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2002–XXXX.'' We will date-stamp the postcard and mail it back to you.

You also may submit comments electronically to the following Internet address: *http://dms.dot.gov.* You may review the public docket containing comments to these proposed regulations in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Dockets Office is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Rich Yarges, Airframe/Cabin Safety Branch, ANM–115, FAA Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue, SW., Renton, WA 98055–4056; telephone (425) 227–2143, facsimile (425) 227–1320, e-mail *rich.yarges@faa.gov.*

SUPPLEMENTARY INFORMATION:

How Do I Submit Comments to This NPRM?

Interested persons are invited to participate in the making of the proposed action by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, federalism, or economic impact that might result from adopting the proposals in this document also are invited. Substantive comments should be accompanied by cost estimates. Comments must identify the regulatory docket or notice number and be submitted in duplicate to the DOT Rules Docket address specified above.

All comments received, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking, will be filed in the docket. The docket is available for public inspection before and after the comment closing date.

We will consider all comments received on or before the closing date before taking action on this proposed rulemaking. Comments filed late will be considered as far as possible without incurring expense or delay. The proposals in this document may be changed in light of the comments received.

How Can I Obtain a Copy of This NPRM?

You can get an electronic copy using the Internet by taking the following steps:

(1) Go to the search function of the Department of Transportation's electronic Docket Management System (DMS) web page (*http://dms.dot.gov/search*).

(2) On the search page type in the last four digits of the Docket number shown at the beginning of this notice. Click on ''search.''

(3) On the next page, which contains the Docket summary information for the Docket you selected, click on the document number of the item you wish to view.

You can also get an electronic copy using the Internet through the Office of Rulemaking's web page at *http://www.faa.gov/avr/armhome.htm* or the Government Printing Office's web page at *http://www.access.gpo.gov/su_docs/aces/aces140.html.*

You can also get a copy by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267–9680. Make sure to identify the docket number, notice number, or amendment number of this rulemaking.

What Are the Relevant Airworthiness Standards in the United States?

In the United States, the airworthiness standards for type certification of transport category airplanes are contained in Title 14, Code of Federal Regulations (CFR) part 25. Manufacturers of transport category airplanes must show that each airplane they produce of a different type design complies with the appropriate part 25 standards. These standards apply to:

- Airplanes manufactured within the U.S. for use by U.S.-registered operators, and
- Airplanes manufactured in other countries and imported to the U.S. under a bilateral airworthiness agreement.

What Are the Relevant Airworthiness Standards in Europe?

In Europe, the airworthiness standards for type certification of transport category airplanes are contained in Joint Aviation Requirements (JAR)–25, which are based on part 25. These were developed by the Joint Aviation Authorities (JAA) of Europe to provide a common set of airworthiness standards within the European aviation community. Twenty-three European countries accept airplanes type certificated to the JAR–25 standards, including airplanes manufactured in the U.S. that are type certificated to JAR–25 standards for export to Europe.

What Is ''Harmonization'' and How Did It Start?

Although part 25 and JAR–25 are very similar, they are not identical in every respect. When airplanes are type certificated to both sets of standards, the differences between part 25 and JAR–25 can result in substantial additional costs to manufacturers and operators. These additional costs, however, frequently do not bring about an increase in safety. In many cases, part 25 and JAR–25 may contain different requirements to accomplish the same safety intent.

Consequently, manufacturers are usually burdened with meeting the requirements of both sets of standards, although the level of safety is not increased correspondingly.

Recognizing that a common set of standards would not only benefit the aviation industry economically, but also maintain the necessary high level of safety, the FAA and the JAA began an effort in 1988 to ''harmonize'' their respective aviation standards. The goal of the harmonization effort is to ensure that:

- Where possible, standards do not require domestic and foreign parties to manufacture or operate to different standards for each country involved; and
- The standards adopted are mutually acceptable to the FAA and the foreign aviation authorities.

The FAA and JAA have identified a number of significant regulatory differences (SRD) between the wording of part 25 and JAR–25. Both the FAA and the JAA consider ''harmonization'' of the two sets of standards a high priority.

What Is ARAC and What Role Does It Play in Harmonization?

After initiating the first steps towards harmonization, the FAA and JAA soon realized that traditional methods of rulemaking and accommodating different administrative procedures was neither sufficient nor adequate to make appreciable progress towards fulfilling the goal of harmonization. The FAA then identified the Aviation Rulemaking Advisory Committee (ARAC) as an ideal vehicle for assisting in resolving harmonization issues, and, in 1992, the FAA tasked ARAC to undertake the entire harmonization effort.

The FAA had formally established ARAC in 1991 (56 FR 2190, January 22, 1991), to provide advice and recommendations concerning the full range of the FAA's safety-related rulemaking activity. The FAA sought this advice to develop better rules in less overall time and using fewer FAA resources than previously needed. The committee provides the FAA firsthand information and insight from interested parties regarding potential new rules or revisions of existing rules.

There are 64 member organizations on the committee, representing a wide range of interests within the aviation community. Meetings of the committee are open to the public, except as authorized by section 10(d) of the Federal Advisory Committee Act.

The ARAC establishes working groups to develop recommendations for resolving specific airworthiness issues. Tasks assigned to working groups are published in the **Federal Register**. Although working group meetings are not generally open to the public, the FAA solicits participation in working groups from interested members of the public who possess knowledge or experience in the task areas. Working groups report directly to the ARAC, and the ARAC must accept a working group proposal before ARAC presents the proposal to the FAA as an advisory committee recommendation.

The activities of the ARAC will not, however, circumvent the public rulemaking procedures; nor is the FAA limited to the rule language ''recommended'' by ARAC. If the FAA accepts an ARAC recommendation, the agency proceeds with the normal public rulemaking procedures. Any ARAC participation in a rulemaking package is fully disclosed in the public docket.

What Is the Status of the Harmonization Effort Today?

Despite the work that ARAC has undertaken to address harmonization, there remain a large number of regulatory differences between part 25 and JAR–25. The current harmonization process is extremely costly and time-consuming for industry, the FAA, and the JAA. Industry has expressed a strong desire to conclude the harmonization program as quickly as possible to alleviate the drain on their resources and to finally establish one acceptable set of standards.

Recently, representatives of the aviation industry [including Aerospace Industries Association of America, Inc. (AIA), General Aviation Manufacturers Association (GAMA), and European Association of Aerospace Industries (AECMA)] proposed an accelerated process to reach harmonization.

What Is the ''Fast Track Harmonization Program''?

In light of a general agreement among the affected industries and authorities to expedite the harmonization program, the FAA and JAA in March 1999 agreed upon a method to achieve these goals. This method, which the FAA has titled ''The Fast Track Harmonization Program,'' is aimed at expediting the rulemaking process for harmonizing not only the 42 standards that are currently tasked to ARAC for harmonization, but approximately 80 additional standards for part 25 airplanes.

The FAA initiated the Fast Track program on November 26, 1999 (64 FR 66522). This program involves grouping all of the standards needing harmonization into three categories:

Category 1: Envelope—For these standards, parallel part 25 and JAR–25 standards would be compared, and harmonization would be reached by accepting the more stringent of the two standards. Thus, the more stringent requirement of one standard would be ''enveloped'' into the other standard. In some cases, it may be necessary to incorporate parts of both the part 25 and JAR standard to achieve the final, more stringent standard. (This may necessitate that each authority revises its current standard to incorporate more stringent provisions of the other.)

Category 2: Completed or near complete—For these standards, ARAC has reached, or has nearly reached, technical agreement or consensus on the new wording of the proposed harmonized standards.

Category 3: Harmonize—For these standards, ARAC is not near technical agreement on harmonization, and the parallel part 25 and JAR–25 standards cannot be ''enveloped'' (as described under Category 1) for reasons of safety or unacceptability. A standard developed under Category 3 would be mutually acceptable to the FAA and JAA, with a consistent means of compliance.

Further details on the Fast Track Program can be found in the tasking statement (64 FR 66522, November 26, 1999) and the first NPRM published under this program, Fire Protection Requirements for Powerplant Installations on Transport Category Airplanes (65 FR 36978, June 12, 2000).

By notice in the **Federal Register** (60 FR 4222, January 20, 1995), the FAA tasked an ARAC working group of industry and government structural specialists from Europe, the United States, and Canada to review § 25.613 of part 25, along with corresponding paragraph 25.613 of the JAR, and supporting policy and guidance material, and to recommend to the FAA appropriate revisions for harmonization, including advisory material. The ARAC working group completed its work on that task and submitted its recommendation to the FAA. That effort was then absorbed under the Fast Track program when it was established in 1999. The regulatory changes proposed in this notice result from the recommendation of ARAC.

Discussion of the Proposal

Section 25.613 of part 25 prescribes requirements for material static strength properties and design values. Metallic material strength properties for aircraft manufactured in the U.S. have traditionally been based on those specified in Military Handbook (MIL–

HDBK)–5. For metallic materials not listed in that handbook, the statistical procedures in the handbook were normally used to determine material strength properties. Prior to Amendment 25–72 to part 25 (55 FR 29786, July 20, 1990), the ''A'' or ''B'' material strength properties listed in MIL–HDBK–5, or those listed in MIL–HDBK–17, and –23, or Army-Navy-Commerce (ANC)–18, were required to be used unless specific FAA approval was granted to use other properties. With Amendment 25–72, §§ 25.613 and 25.615 were combined into one requirement, § 25.613, and the references to MIL–HDBK–5, –17, –23, and ANC–18 were removed. As part of that amendment, the requirement to use ''A'' and ''B'' properties of the military handbook was replaced by a more general requirement specifying probabilities and confidence levels for material strength properties, with the test procedures and statistical methods unspecified. Those probability and confidence levels apply to metallic as well as non-metallic materials. In Europe, other standards have been used in showing compliance with JAR 25.613, such as the Euronorm, International Standard Organization, and Engineering Sciences Data Unit 00932 Metallic Data Handbook.

Because Amendment 25–72 removed the provision which permitted the Administrator to approve ''other design values,'' such an approval requires an equivalent safety finding. This finding results in additional administrative time for both the manufacturer and the FAA. To reduce this administrative burden, the FAA proposes to revise the rule to reinstate the pre-amendment 25–72 provision. In addition, other changes of a clarifying nature are proposed.

Proposed Changes

This proposal would revise § 25.613 as follows:

- The heading of § 25.613 would be revised to read, ''Material Strength Properties and Material Design Values.'' This change would clarify that the design values are material design values.
- Paragraph (a) would remain unchanged.
- Paragraph (b) would be revised to clarify that the design values are material design values. The ''A'' and ''B'' properties published in MIL–HDBK–5 and –17, or in equivalent handbooks, would be acceptable without further statistical analysis. The statistical methods specified in MIL-HDBK–5 and –17 would be acceptable for use in establishing material design values. Other statistical methods, amounts of data, and material property data might also be acceptable, including those specified in the European Standards previously noted.
- Paragraph (c) currently requires consideration of the effects of temperature on allowable stresses used for design where thermal effects are significant under normal operating conditions. The proposed revision would require consideration of environmental conditions in general, such as temperature and moisture, on material design values used in an essential component or structure, where those effects are significant in the airplane operating envelope. This change is made because environmental factors other than temperature may have a significant effect on allowable stresses, not only under normal operating conditions, but also at other conditions within the airplane operating envelope.
- Paragraph (d) would be removed by this proposal as fatigue is now adequately addressed in § 25.571.
- The premium selection process of paragraph (e) would be revised to clarify that the design values are material design values.
- A new paragraph (f) is proposed, which would permit the use of other design values if they are approved by the Administrator.

A draft Advisory Circular, AC 25.613–1X, Material Strength Properties and Material Design Values, which describes acceptable methods of compliance with this proposed rule, is being developed concurrently with this proposal. Public comments concerning the proposed AC are invited by separate notice published elsewhere in this issue of the **Federal Register**.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the FAA has determined that there are no requirements for information collection associated with this proposed rule.

International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to comply with International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has determined that there are no ICAO Standards and Recommended Practices that correspond to these proposed regulations.

Regulatory Evaluation Summary

Proposed changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs each Federal agency to propose or adopt a regulation only if the agency makes a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (19 U.S.C. section 2531–2533) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, this Trade Act requires agencies to consider international standards. Where appropriate, agencies are directed to use those international standards as the basis of U.S. standards. And fourth, the Unfunded Mandates Reform Act of 1995 requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules. This requirement applies only to rules that include a Federal mandate on State, local, or tribal governments or the private sector, likely to result in a total expenditure of $100 million or more in any one year (adjusted for inflation.)

In conducting these analyses, the FAA has determined this proposed rule: (1) Has benefits which do justify its costs, is not a ''significant regulatory action'' as defined in the Executive Order, and is not ''significant'' as defined in DOT's Regulatory Policies and Procedures; (2) would not have a significant impact on a substantial number of small entities; (3) would not have an negative impact on international trade; and (4) would not impose an unfunded mandate on state, local, or tribal governments, or on the private sector. The FAA has placed these analyses in the docket and summarized them below.

The proposed rule would incorporate changes developed in cooperation with the Joint Aviation Authorities (JAA) of Europe and the U.S. and European aviation industry through the Aviation Rulemaking Advisory Committee (ARAC). If adopted, the proposed amendment would revise the requirements for material strength properties and material design values for transport category airplanes. Furthermore, the proposal would harmonize FAA requirements with those proposed by the JAA.

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(AC) accompanies this proposed rule and describes the acceptable methods of compliance. As a result, in certain material design values cases, the FAA estimates that the proposed rule would result in cost savings to manufacturers of transport category airplanes of at least $100,000 per initial aircraft certification. In addition, the FAA would realize an estimated administrative cost saving of approximately $1,460 per certification. Finally, by harmonizing JAA and FAA requirements, the proposed rule would create a single set of requirements accepted in both the United States and Europe. This action would foster international trade and make the aircraft certification process more efficient. Accordingly, the FAA has determined that the proposed rule would be cost-beneficial. The FAA solicits comments from affected entities with respect to this finding and determination and requests that all comments be accompanied by clear documentation.

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However, if an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the 1980 act provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

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This proposed rule does not contain such a mandate. Therefore, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply.

Executive Order 13132, Federalism

The FAA has analyzed this proposed rule and the principles and criteria of Executive Order 13132, Federalism. The FAA has determined that this action would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, the FAA has determined that this notice of proposed rulemaking would not have federalism implications.

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Energy Impact

The energy impact of the proposed rule has been assessed in accordance with the Energy, Policy, and Conservation Act (EPCA), Public Law 94–163, as amended (43 U.S.C. 6362), and FAA Order 1053.1. It has been determined that the proposed rule is not a major regulatory action under the provisions of the EPCA.

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(b) Material design values must be chosen to minimize the probability of structural failures due to material variability. Except as provided in paragraphs (e) and (f) of this section, compliance must be shown by selecting material design values which assure material strength with the following probability:

* * * * *

(c) The effects of environmental conditions, such as temperature and moisture, on material design values used in an essential component or structure must be considered where these effects are significant within the airplane operating envelope.

(d) [Reserved]

(e) Greater material design values may be used if a ‘‘ premium selection ‘‘ of the material is made in which a specimen of each individual item is tested before use to determine that the actual strength properties of that particular item will equal or exceed those used in design.

(f) Other material design values may be used if approved by the Administrator.

Issued in Renton, Washington, on January 8, 2002.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–1767 Filed 1–28–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Proposed Advisory Circular (AC) 25.613–1X, Material Strength Properties and Material Design Values

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed advisory circular.

SUMMARY: The Federal Aviation Administration invites public comment on a proposed new advisory circular. The advisory circular provides guidance related to a notice of proposed rulemaking published elsewhere in this issue of the **Federal Register** concerning material strength properties and material design values for transport category airplanes. This action provides interested persons an opportunity to comment on the proposed advisory circular concurrent with the proposed rulemaking.

DATES: Send your comments on or before April 1, 2002.

ADDRESSES: You should send your comments on the proposed AC to Rich Yarges, Federal Aviation Administration, Airframe/Cabin Safety Branch, ANM–115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Ave SW., Renton, WA 98055–4056. You may also submit comments electronically to: *rich.yarges@faa.gov.*

FOR FURTHER INFORMATION CONTACT: Rich Yarges at the above address, telephone (425) 227–2143, or facsimile (425) 227–1320.

SUPPLEMENTARY INFORMATION:

How Do I Obtain a Copy of the Proposed Advisory Circular?

You may obtain an electronic copy of the advisory circular identified in this notice at the following Internet address: *http://www.airweb.faa.gov/rgl.* At the home page, click on ''Draft Advisory Circulars.'' At the next page enter AC 25.613–1X in the ''Search'' box. Press ''GO.'' If you do not have access to the Internet, you may request a copy by contacting Pat Siegrist, FAA Standardization Branch, ANM–113, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, WA 98055–4056; telephone (425) 227–2126.

How Do I Submit Comments on the Advisory Circular?

You are invited to comment on the proposed advisory material by submitting written comments, data, or views. You must identify the title of the AC and submit your comments in duplicate to the address specified above. We will consider all comments received on or before the closing date for comments before issuing the final advisory material.

Discussion

Elsewhere in this **Federal Register**, we invite public comment on a notice of proposed rulemaking (NPRM) concerning the material strength properties and material design values requirements for transport category airplanes. The proposed rule would reinstate a provision that permits the Administrator to approve other material design values published in accepted military and industry handbooks. Additionally, other changes of a clarifying nature are proposed. These proposed revisions are intended to achieve common requirements and language between the requirements of the U.S. regulations and the Joint Aviation Requirements of Europe.

In addition to the amendments proposed in the NPRM, we announced the development of advisory material to supplement the proposal. The proposed advisory material describes acceptable methods of compliance with the proposed rule, and is intended to be reviewed along with the NPRM.

Issued in Renton, WA, on January 8, 2002.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–1768 Filed 1–28–02; 8:45 am]

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- Child-resistant packaging requirements—
  - Over-the-counter drug products; correction; published 12-21-01

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- Italy; tax exemptions; published 1-29-02
- Switzerland; memorandum of understanding; published 1-29-02
- Technical amendments; published 1-29-02
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- Illinois; published 11-30-01

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Dassault; comments due by 2-6-02; published 1-2-02 [FR 01-32194]

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McDonnell Douglas; comments due by 2-4-02; published 12-5-01 [FR 01-30084]

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LIST OF PUBLIC LAWS

This completes the listing of public laws enacted during the first session of the 107th Congress. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg/plawcurr.html

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H.R. 3392/P.L. 107–136

To name the national cemetery in Saratoga, New York, as the Gerald B.H. Solomon Saratoga National Cemetery, and for other purposes. (Jan. 24, 2002; 115 Stat. 2466)

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