

# Notices

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Tuesday, February 5, 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.

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## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

[Docket No. 01-045N]

#### Codex Alimentarius Commission: 3rd Session, Ad Hoc Intergovernmental Task Force on Foods Derived From Biotechnology

**AGENCY:** Office of the Under Secretary for Food Safety, USDA.

**ACTION:** Notice, correction.

**SUMMARY:** The Office of the Under Secretary for Food Safety, U.S. Department of Agriculture (USDA), and the Food and Drug Administration (FDA) published a document in the **Federal Register** of January 10, 2002, are sponsoring two public meetings on Wednesday, January 9, 2002, and on Tuesday, February 12, 2002, to present and receive comment on draft United States positions on all issues coming before the 2nd Session of the Ad Hoc Intergovernmental Task Force on Foods Derived From Biotechnology, which will be held in Yokohama, Japan, March 4-8, 2002. The Under Secretary for Food Safety and FDA recognize the importance of providing interested parties the opportunity to obtain background information on the 3rd Session, Ad Hoc Intergovernmental Task Force on Foods Derived From Biotechnology.

**FOR FURTHER INFORMATION CONTACT:** Patrick J. Clerkin, Associate U.S. Manager for Codex, U.S. Codex Office, Food Safety and Inspection Service, Room 4861, South Building, 1400 Independence Avenue SW., 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. Clerkin at the above number.

### Correction

In the **Federal Register** of January 10, 2002, in FR Docket No. 01-045N, on page 1327, in the first column, under **DATES:**, correct the "day" to read Tuesday, February 12, 2002.

Done at Washington, DC on: January 31, 2002.

**F. Edward Scharbrough,**

*U.S. Manager for Codex Alimentarius.*

[FR Doc. 02-2742 Filed 2-4-02; 8:45 am]

**BILLING CODE 3410-DM-P**

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Lewis Run Project, McKean County, Pennsylvania

**AGENCY:** Forest Service, USDA.

**ACTION:** Revised notice of intent to prepare an environmental impact statement.

**SUMMARY:** Reference is made to our notice of intent to prepare an environmental impact statement for the Lewis Run Project (FR Document. 00-18987 filed 7/27/00) published in the **Federal Register**, Volume 65, No. 146, Friday, July 28, 2000, pages 46421-22.

In accordance with Forest Service Environmental Policy and Procedures handbook 1909.15, part 21.2—*Revision of Notices of Intent*, we are revising the date that the Draft Environmental Impact Statement is expected to be filed with the Environmental Protection Agency and be available for public review and comment to March 1, 2002. Subsequently, the date the final EIS is scheduled to be completed is revised to be June 1, 2002.

**FOR FURTHER INFORMATION, CONTACT:**

Andrea Hille, Bradford Ranger District, Star Route 1 Box 88, Bradford, PA 16701 or by telephone at 814-362-4613.

Dated: January 30, 2002.

**Kevin B. Elliott,**

*Forest Supervisor.*

[FR Doc. 02-2656 Filed 2-4-02; 8:45 am]

**BILLING CODE 3410-11-M**

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Grays Harbor Resource Advisory Committee (RAC)

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Grays Harbor Resource Advisory Committee will hold its next meeting on February 25, 2002. The meeting will be held at the Hoquiam Library at 420 Seventh Street, Hoquiam, Washington. The meeting will begin at 7 p.m. and end at approximately 9 p.m. Agenda topics are: (1) Introductions; (2) approval of minutes of previous meetings; (3) bylaw update; (4) review and select process for applications; (5) presentation of project proposals; (6) selection of recommended projects and priorities; (7) public comments; and (8) identify next meeting date and location.

All Grays Harbor Resource Advisory Committee Meetings are open to the public. Interested citizens are encouraged to attend.

**FOR FURTHER INFORMATION CONTACT:**

Direct questions regarding this meeting to Ken Eldredge, RAC Liaison, USDA, Olympic National Forest Headquarters, 1835 Black Lake Blvd., Olympia, WA 98512-5623, (360) 956-2323 or Dale Hom, Forest Supervisor and Designated Federal Official, at (360) 956-2301.

Dated: January 29, 2002.

**Dale Hom,**

*Forest Supervisor, Olympic National Forest.*

[FR Doc. 02-2648 Filed 2-4-02; 8:45 am]

**BILLING CODE 3410-11-M**

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 100101A]

#### Marine Mammals; Pinniped Removal Authority

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

**ACTION:** Notice of extension of letter of authorization.

**SUMMARY:** NMFS announces a 5-year extension to the Letter of Authorization

(LOA) to the State of Washington for the lethal removal of individually identifiable California sea lions that are having significant negative impact on the status and recovery of winter steelhead that migrate through the Ballard Locks in Seattle, WA. This action is authorized under the Marine Mammal Protection Act (MMPA).

**ADDRESSES:** A copy of the LOA may be obtained by writing to Assistant Regional Administrator, Protected Resources Division, NMFS, 525 N.E. Oregon St., Suite 500, Portland, OR 97232-2737, or to Chief, Marine Mammal Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Garth Griffin (503) 231-2005, or Tom Eagle (301) 713-2322, ext. 105.

**SUPPLEMENTARY INFORMATION:**

**Electronic Access**

Information related to this extension, including the state's LOA extension request, Environmental Assessments (EA), and all of the **Federal Register** notices related to issuance, modification and subsequent extension of the original LOA, is available via the Internet at the following address: <http://www.nwr.noaa.gov>.

**Background**

Pursuant to Section 120 of the MMPA, NMFS initially issued a 3-year Letter of Authorization (LOA) that was valid through June 30, 1997, to the Washington Department of Fish and Wildlife (WDFW) for the lethal removal of California sea lions that are having significant negative impact on the status and recovery of winter steelhead that migrate through the Ballard Locks in Seattle, WA. The terms and conditions of the LOA were modified following the first year of implementation. The LOA was subsequently extended, for 4 years, through June 30, 2001.

Background information on the sea lion/steelhead conflict at the Ballard Locks and findings on the environmental consequences of issuance of the original LOA, the 1996 modification of its terms and conditions, and this extension are provided in two EAs prepared by NMFS in 1995 and 1996 and an updated EA prepared in 2001 (see Electronic Access).

On September 12, 2001, the State of Washington requested that NMFS extend the LOA for an additional 5 years (with a new expiration date of June 30, 2006) citing severely depressed steelhead run returns and the need for continued authorization to quickly

remove any sea lion, if necessary, that meets the criteria outlined in the LOA while the state continues management efforts to recover the run. In addition, the state noted that there are no lethal removals planned at this time and requested the authorization be extended so that, as a last resort, it can respond in a timely manner to uncontrollable sea lion predation and protect steelhead as the run recovers. The state requested no modifications to the terms and conditions of the LOA other than the extension to June 30, 2006.

NMFS published a notice (66 FR 53210, October 19, 2001) that announced the state's request, proposed to extend the LOA, and solicited public comment on the proposed extension. The public comment period closed on November 19, 2001. No comments were received from the public.

NMFS also solicited comment from members of the Pinniped-Fishery Interaction Task Force (Task Force) that had been convened upon receipt of the original application from the State of Washington, regarding the proposed extension. Five written comments were received from Task Force members. Four of the Task Force members supported the extension and one member was opposed. None of the comments contained substantive new information.

Comments supporting the extension were in general agreement that the steelhead run is severely depressed and that the state must be authorized to respond to predatory animals swiftly. One member noted that further extension of the LOA is justified because neither of the 1996 Task Force criteria for determining the success or failure of the authorization had been met.

The comment against the extension also agreed that the status of the steelhead run is precarious but opposed the extension based on the view that sea lion predation is not having a significant negative impact on the status and recovery of the steelhead run. Further, the opposing comment questioned whether the non-lethal measures taken to date to reduce sea lion predation on steelhead have been adequate to meet the threshold for issuance of a lethal removal authorization under Section 120 of the MMPA. This opposing view was raised during Task Force deliberations from 1994 to 1996 and considered by NMFS in issuance and modification of the LOA, and NMFS concluded that any sea lion predation was, and any future predation would be, a significant adverse impact on the steelhead run and that all feasible non-lethal deterrents had been attempted.

NMFS considered the comments received from the Task Force members while conducting its review of the environmental consequences of the proposed extension and when making its decision to extend the LOA. The available information documents that steelhead spawning escapements have remained far below the goal set for the watershed and declined to record lows in 2000 and 2001 indicating a worsening condition that could lead to stock failure. In contrast, the California sea lion population is robust and continuing to grow coastwide. In the index areas of Puget Sound sea lion numbers were lower in 2001 than the peak years of 1986 and 1995 but have remained relatively consistent in Shilshole Bay near the entrance to the Lake Washington Ship Canal. Sea lions continue to forage occasionally at the Locks and have been seen taking salmonids there in spite of non-lethal deterrence measures that are ongoing. The precarious state of the steelhead population and the continuing presence of sea lions in the area heightens the concern that sea lions may enter the Locks area to forage during the steelhead run and threaten stock recovery.

One unidentified sea lion was observed taking a salmonid downstream of the railroad bridge during the 2000 steelhead run. Sea lions were recently observed in the Locks area during the 2001 coho salmon run, and one marked sea lion was observed taking coho salmon in the ensonified zone in September 2001. This raises concerns over the possibility that one of these sea lions may occur during the 2002 steelhead run, and it may have already developed a tolerance to the acoustic devices.

Sea lion presence at the Ballard Locks declined from 5.18 percent of hours observed in 1997 to 0.25 percent of hours observed in 2000. No sea lions were seen during approximately 274 hours of observations conducted from February through May, 2001 (WDFW unpublished data). The observation period overlapped with the smolt out-migration timing in May. The absence of sea lions in May is in contrast to the 1995 migration season when sea lion attendance at the Locks was highest during the smolt out-migration, and predatory sea lions were observed preying on smolt in the ensonified zone 50-60 percent of the time they were present at the Ballard Locks.

An estimated eight steelhead were lost to sea lion predation in 1997, based on observations by biologists monitoring the steelhead run, and two in 1998. From 1999 through 2001, any steelhead

kills that were seen or reported occurred outside of the observation periods and, therefore, could not be used to estimate sea lion predation mortality for those years.

#### NMFS Action

Section 120 of the MMPA lists 4 factors that NMFS must consider in evaluating an application for approval or denial. These factors are as follows:

1. Population trends, feeding habits, the location of the pinniped interaction, how and when the interactions occurs, and how many individual pinnipeds are involved;

2. Past efforts to nonlethally deter such pinnipeds, and whether the applicant has demonstrated that no feasible and prudent alternatives exist and that the applicant has taken all reasonable nonlethal steps without success;

3. The extent to which such pinnipeds are causing undue injury or impact to, or imbalance with, other species in the ecosystem, including fish populations; and

4. The extent to which such pinnipeds are exhibiting behavior that presents an ongoing threat to public safety.

NMFS considered these factors in the initial application and the modification to the initial LOA and a detailed description of these considerations was included in the 1995 and 1996 EAs. The 2001 EA briefly discusses relevant new information in these considerations and concludes that LOA should be extended because there is no substantial change in the system since the initial evaluation. The range-wide pinniped population has increased although the seasonal distribution of animals in Puget Sound has decreased. Steelhead numbers have continued to decline, and any predation continues to have a significant adverse impact on the run. Based on these considerations, the state's request, the available information on the critically depressed steelhead run, the continued presence of sea lions in the Lake Washington Ship Canal and Locks area, and consideration of comments from Task Force members (no public comments were received), NMFS has extended the LOA for 5 years to June 30, 2006. No other changes were made to the terms and conditions of the LOA. As required by the National Environmental Policy Act, NMFS has prepared an EA of the environmental consequences of extending the existing LOA. A copy of the LOA and accompanying EA is available via the Internet (see Electronic Access).

Dated: January 30, 2002.

**David Cottingham,**

*Acting Director, Office of Protected Resources  
National Marine Fisheries Service*

[FR Doc. 02-2727 Filed 2-4-02; 8:45 am]

**BILLING CODE 3510-22-S**

#### COMMODITY FUTURES TRADING COMMISSION

##### Sunshine Act Meeting

##### AGENCY HOLDING THE MEETING:

Commodity Futures Trading Commission.

**TIME AND DATE:** 10:30 a.m., Wednesday, February 13, 2002.

**PLACE:** 1155 21st St., NW., Washington, DC, 9th Floor Conference Room.

**MATTERS TO BE CONSIDERED:** Rule Enforcement Review.

**CONTACT PERSON FOR MORE INFORMATION:** Jean A. Webb, 202-418-5100.

**Jean A. Webb,**

*Secretary of the Commission.*

[FR Doc. 02-2833 Filed 2-1-02; 11:56 am]

**BILLING CODE 6351-01**

#### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

##### Request for Public Comment

**AGENCY:** Corporation for National and Community Service.

**ACTION:** Policy guidance document.

**SUMMARY:** The Corporation for National and Community Service (hereinafter the "Corporation") is republishing for additional public comment policy guidance on Title VI's prohibition against national origin discrimination as it affects limited English proficient persons.

**DATES:** This guidance was effective January 16, 2001. Comments must be submitted on or before March 7, 2002. The Corporation will review all comments and will determine what modifications to the policy guidance, if any, are necessary.

**ADDRESSES:** Interested persons should submit written comments to Ms. Wilsie Y. Minor; Office of General Counsel, Corporation for National and Community Service, 1201 New York Ave. NW., Washington, DC 20525. Comments may also be submitted by facsimile at 202-565-2796.

**FOR FURTHER INFORMATION CONTACT:** Ms. Wilsie Y. Minor; Office of General Counsel, Corporation for National and Community Service, 1201 New York Ave. NW., Washington, DC 20525.

Telephone 202-606-5000, Ext.129; TDD: 202-565-2799. Arrangements to receive the policy in an alternative format may be made by contacting Wilsie Y. Minor.

**SUPPLEMENTARY INFORMATION:** Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, *et seq.* and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance.

The purpose of this policy guidance is to clarify the responsibilities of recipients of federal financial assistance from the Corporation, and assist them in fulfilling their responsibilities to limited English proficient (LEP) persons, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations. The policy guidance reiterates the Corporation's longstanding position that in order to avoid discrimination against LEP persons on the grounds of national origin, recipients must take reasonable steps to ensure that such persons have meaningful access to the programs, services, and information those recipients provide, free of charge.

This document was originally published on January 16, 2001. See 66 FR 3548. The document was based on the policy guidance issued by the Department of Justice entitled "Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons with Limited English Proficiency." 65 FR 50123 (August 16, 2000).

On October 26, 2001 and January 11, 2002, the Assistant Attorney General for Civil Rights issued to federal departments and agencies guidance memoranda, which reaffirmed the Department of Justice's commitment to ensuring that federally assisted programs and activities fulfill their LEP responsibilities and which clarified and answered certain questions raised regarding the August 16th publication. The Corporation is presently reviewing its original January 16, 2001, publication in light of these clarifications, to determine whether there is a need to clarify or modify the January 16th guidance. In furtherance of those memoranda, the Corporation is republishing its guidance for the purpose of obtaining additional public comment.

The policy guidance includes examples of promising practices that provide access to LEP persons in the various service programs. It also explains further who is covered by this guidance. The text of the complete guidance document appears below.